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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

\* \* \* \* \*

UNITED STATES OF AMERICA

v.

ALKIS NAKOS

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14-CR-93-01-LM  
August 19, 2015  
9:15 a.m.

TRANSCRIPT OF JURY TRIAL  
DAY TWO - MORNING SESSION  
BEFORE THE HONORABLE LANDYA B. MCCAFFERTY

APPEARANCES:

For the Government:

Terry L. Ollila, AUSA  
U.S. Attorney's Office

For the Defendant:

Robert L. Sheketoff, Esq.  
Law Office of Robert L. Sheketoff

Court Reporter:

Susan M. Bateman, LCR, RPR, CRR  
Official Court Reporter  
United States District Court  
55 Pleasant Street  
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## P R O C E E D I N G S

THE CLERK: The Court has before it for consideration today jury trial, day two, in criminal case 14-CR-93-01-LM, United States of America versus Alkis Nakos.

THE COURT: Good morning. Before we begin the trial I would like to tell you about what will be happening. I want to describe how the trial will be conducted and explain what we will be doing.

At the end of the trial I will give you more detailed guidance in writing on how you are to go about reaching your decision, but now I simply want to explain how the trial will proceed.

This criminal case has been brought by the United States Government. I will sometimes refer to the government as the prosecution. The United States Government is represented at this trial by Assistant United States Attorney Terry Ollila. The defendant, Alkis Nakos, is represented by his lawyer, Robert Sheketoff.

The charges against Mr. Nakos are contained in the indictment. The indictment is simply the description of the charges made by the government against Mr. Nakos. It is not evidence of anything. Mr. Nakos pled not guilty to the charges against him and denies committing the crimes. Mr. Nakos is presumed innocent and may not be found guilty by you unless all 12 of you unanimously find that the government has

1 proven Mr. Nakos' guilt beyond a reasonable doubt.

2           The government has charged Mr. Nakos with two  
3 violations of the federal narcotics laws. Count 1 of the  
4 indictment charges that he committed the crime of engaging in  
5 a continuing criminal enterprise.

6           Count 2 of the indictment charges that he committed  
7 the crime of conspiracy to distribute and possess with intent  
8 to distribute in excess of a thousand kilograms or more of  
9 marijuana and a drug known as MDMA. In the indictment the  
10 full name of the drug MDMA is used. It is 34  
11 methylenedioxy-methamphetamine. During these preliminary  
12 instructions I will be referring to that drug by its acronym,  
13 MDMA.

14           The first step in the trial will be the opening  
15 statements. The government in its opening statement will  
16 tell you about the evidence which it intends to put before  
17 you so you will have an idea of what the government's case is  
18 going to be.

19           Just as the indictment is not evidence, neither is  
20 the opening statement. Its purpose is only to help you  
21 understand what the evidence will be and what the government  
22 will try to prove.

23           After the government's opening statement Mr. Nakos'  
24 attorney will make an opening statement. At that point in  
25 the trial no evidence will have been offered by either side.

1           Next the government will offer evidence that it  
2 says will support the charges against Mr. Nakos. The  
3 government's evidence in this case will consist of the  
4 testimony of witnesses as well as documents and exhibits.

5           Some of you have probably heard the term  
6 circumstantial evidence and direct evidence. Do not be  
7 concerned with these terms. You are to consider all the  
8 evidence given in this trial, both circumstantial and direct.

9           After the government's evidence Mr. Nakos' lawyer  
10 may present evidence on Mr. Nakos' behalf but is not required  
11 to do so. I remind you that Mr. Nakos is presumed innocent  
12 and the government must prove his guilt beyond a reasonable  
13 doubt. Mr. Nakos does not have to prove his innocence.

14           After you have heard all the evidence on both sides  
15 the government and the defendant will be given time for their  
16 final arguments. I just told you that the opening statements  
17 by the lawyers are not evidence. The same applies to the  
18 closing arguments. They are not evidence either. In their  
19 closing arguments the lawyers will be attempting to summarize  
20 their cases and help you understand the evidence.

21           The final part of the trial occurs when I instruct  
22 you about the rules of law which you are to use in reaching  
23 your verdict. I will give each of you a written copy of my  
24 instructions and I will read them to you out loud. After  
25 hearing my instructions you will leave the courtroom together

1 to make your decision. Your deliberations will be secret.  
2 You will never have to explain your verdict to anyone.

3 Now that I have described the trial itself, let me  
4 explain the jobs that you and I are to perform during the  
5 trial.

6 I will decide which rules of law apply to this  
7 case. I will decide this in response to questions raised by  
8 the attorneys as we go along and also in the final  
9 instructions given to you after the evidence and arguments  
10 are completed.

11 You will decide whether the government has proved  
12 beyond a reasonable doubt that Mr. Nakos committed the  
13 charged crimes. To help you follow the evidence I will now  
14 give you a brief summary of the elements of the crimes  
15 charged, each of which the government must prove beyond a  
16 reasonable doubt to make its case.

17 For you to find Mr. Nakos guilty of Count 1, the  
18 continuing criminal enterprise charge, you must find beyond a  
19 reasonable doubt each of the following elements:

20 First, that Mr. Nakos committed a felony violation  
21 of the federal narcotics laws.

22 Second, that the violation was part of a continuing  
23 series of three or more offenses committed by Mr. Nakos in  
24 violation of the federal narcotics laws.

25 Third, that Mr. Nakos committed the series of

1 offenses in concert with five or more persons.

2 Fourth, that Mr. Nakos acted as an organizer,  
3 supervisor or manager of the five or more persons with whom  
4 he acted in concert.

5 And fifth, that Mr. Nakos obtained substantial  
6 income or resources from the series of violations.

7 For you to find Mr. Nakos guilty of Count 2, the  
8 conspiracy charge, you must find beyond a reasonable doubt  
9 each of the following elements:

10 First, a conspiracy to commit the offenses charged  
11 in the indictment existed and involved two or more persons.

12 Second, Mr. Nakos joined the conspiracy with  
13 knowledge of the existence of the conspiracy and its criminal  
14 objectives.

15 Third, Mr. Nakos knowingly, voluntarily and  
16 intentionally became a member of the conspiracy.

17 And fourth, in joining the conspiracy Mr. Nakos  
18 intended to achieve the unlawful objectives of the  
19 conspiracy.

20 You should understand, however, that what I have  
21 just given you is only a preliminary outline. At the end of  
22 the trial I will give you a final and controlling set of  
23 instructions on these matters.

24 During the course of the trial you should not talk  
25 with any witness, or with Mr. Nakos, or with any of the

1 lawyers in the case. Please don't talk with them about any  
2 subject at all.

3 In addition, during the course of the trial you  
4 should not talk about the trial with anyone else, not your  
5 family, not your friends, not the people you work with, not  
6 even your fellow jurors. You should not discuss this case  
7 among yourselves until I have instructed you on the law and  
8 you've gone to the jury room to make your decision at the end  
9 of the trial.

10 It is important that you wait until all the  
11 evidence is received and you have heard my instructions on  
12 the law before you deliberate among yourselves.

13 Further, you should not communicate with anyone  
14 else or the outside world about this case during any part of  
15 the trial. This prohibition applies to both receiving  
16 information and giving it. Do not e-mail about it, text,  
17 tweet or share information about it on any blog or website,  
18 including Facebook, Google Plus, Myspace, LinkedIn or  
19 YouTube.

20 You may not use any similar technology or social  
21 medium, even if I have not specifically mentioned it here.  
22 To disseminate any information about the trial during the  
23 trial, whether to your family or co-worker or to the world at  
24 large, would violate both my instructions and the court rules  
25 and could lead to a mistrial in this case.



1           Let me add that during the course of the trial you  
2 will receive all the evidence you properly may consider to  
3 decide this case. Because of this you should not attempt to  
4 gather any information on your own which you think might be  
5 helpful. Do not engage in any outside reading on this case,  
6 the matters in this case, or the individuals involved in this  
7 case, not on the Internet, not in the library, not in your  
8 own house. Do not attempt to visit any places mentioned in  
9 the case and do not in any other way try to learn about the  
10 case outside the courtroom.

11           Now that the trial has begun, you must not read  
12 about it in the newspapers or watch or listen to television  
13 or radio reports or read Internet news reports, blogs, chat  
14 rooms or anything else about what is happening here.

15           Many people watch television shows or movies about  
16 courts or lawyers or the criminal justice system. Sometimes  
17 people are affected by that when they serve as jurors.  
18 Television shows and movies can create false expectations  
19 about real life; for example, how the trial is going to  
20 proceed or what the evidence might look like. You must  
21 decide this case on the evidence before you and the law as I  
22 give it to you. Do not decide this case, even in part, based  
23 on something you saw on television or in a movie. That is  
24 improper and unfair.

25           The reason for these rules, as I'm certain you will

1 understand, is that your decision in this case must be made  
2 solely on the evidence presented at the trial. I expect you  
3 will inform me if you become aware of a violation of my  
4 instructions.

5 At times during the trial a lawyer may make an  
6 objection to a question asked by another lawyer, or to an  
7 answer by a witness. This simply means that the lawyer is  
8 requesting that I make a decision on a particular rule of  
9 law. Do not draw any conclusions from such objections or  
10 from my rulings on the objections. These only relate to the  
11 legal questions that I must determine and should not  
12 influence your thinking.

13 If I sustain an objection to a question, the  
14 witness may not answer it. Do not attempt to guess what  
15 answer might have been given had I allowed the question to be  
16 answered. Similarly, if I tell you not to consider a  
17 particular statement, you should put that statement out of  
18 your mind and you may not refer to that statement in your  
19 later deliberations.

20 Further, a particular item of evidence is sometimes  
21 entered for a limited purpose, that is, it can be used by you  
22 for a particular purpose and not for any other purpose. I  
23 will tell you when this occurs and instruct you on the  
24 purposes for which the item can and cannot be used.

25 During the course of the trial I may ask a question

1 of a witness. If I do, that does not indicate that I have an  
2 opinion about the facts in the case. You should not take  
3 anything that I may say or do during trial as indicating what  
4 I think about the evidence or what your verdict should be.

5 Let me clarify something ahead of time that may  
6 occur in this case. During the course of the trial I may  
7 have to interrupt the proceedings to confer with the  
8 attorneys about the rules of law which should apply here.  
9 Sometimes we talk here at the bench, but some of these  
10 conferences may take time. So as a convenience to you, and  
11 to make sure you're as comfortable as possible, I will excuse  
12 you from the courtroom. I will try to avoid such  
13 interruptions as much as possible, but please be patient,  
14 even if the trial seems to be moving slowly, because  
15 conferences often save time for all of us.

16 If at any time during the trial you have a problem  
17 that you would like to bring to my attention, please inform  
18 the courtroom deputy. This goes for all issues. If you feel  
19 ill or need to take a restroom break, just let the courtroom  
20 deputy know. I want you to be comfortable, so please do not  
21 hesitate to tell us about any problem.

22 Finally, in this trial you have the permission, my  
23 permission, to take notes during the evidence. The fact that  
24 you've been given permission to take notes does not in any  
25 way require you to do so. However, if you decide to take

1 notes you must observe the following limitations with great  
2 care:

3 First, do not allow your note taking to distract  
4 you from listening carefully to the testimony that is being  
5 presented. It's important that you observe and listen to the  
6 witnesses. If you would prefer not to take notes at all but  
7 simply to listen, please feel free to do so.

8 Please remember also that not everything you write  
9 down is necessarily what was said. Thus, when you begin your  
10 deliberations, do not assume simply because something appears  
11 in somebody's notes that it necessarily took place in court.  
12 Notes are an aid to recollection. Nothing more. The fact  
13 that it's written down doesn't mean that it's necessarily  
14 accurate.

15 With these limitations, you are granted permission  
16 to take notes. At the end of each day, and during any breaks  
17 during the day, please place your notes in the envelope which  
18 has been provided to you. That envelope will be taken and  
19 secured each night. The envelope will be returned to you at  
20 the beginning of each day. At the conclusion of the case,  
21 after you have used your notes in deliberations, they will be  
22 collected and they will be destroyed. Nobody will see them.  
23 No one will violate the secrecy of your deliberations.

24 As you can see, we have a court reporter who is  
25 creating a record of everything that happens in this trial.

1 Sometimes jurors think that they will be able to have a  
2 transcript of the trial when they go back to the jury room.  
3 That is not true. You will not be given a transcript. There  
4 are a number of reasons for that, but one of the reasons is  
5 strictly practical. Usually there's just not enough time to  
6 prepare one. The court reporter has a difficult job, and  
7 it's a time-consuming task to take a raw record which she is  
8 creating and turn it into a final transcript. So you will  
9 not have a transcript, and you should listen therefore very  
10 carefully and take whatever notes you think may be necessary  
11 to help you remember the testimony.

12 If you choose not to take notes, remember that it  
13 is your own individual responsibility to listen carefully to  
14 the evidence. You cannot give this responsibility to someone  
15 else who is taking notes. We depend on the judgment of all  
16 members of the jury. You all must remember the evidence in  
17 this case.

18 Finally, do not discuss this case with your fellow  
19 jurors until all the evidence is in, you have heard my  
20 instructions on the law, and I instruct you to begin your  
21 deliberations. Similarly, do not make up your mind about  
22 what the verdict should be until after you and your fellow  
23 jurors have discussed the evidence and deliberated. Keep  
24 your mind open and do not ever forget that Mr. Nakos is  
25 presumed innocent of these charges now, throughout this

1 trial, and throughout your deliberations until such time as  
2 all 12 of you find that the government has proven each  
3 element of the charged crime beyond a reasonable doubt.

4 Thank you for your attention. We are going to take  
5 a very, very brief, minutes, break before the government will  
6 make its opening statement.

7 (IN COURT - NO JURY PRESENT)

8 THE COURT: I need to ask that the individual who  
9 has the child, and I'm sorry to say this, you're going to  
10 have to remove the child from the courtroom.

11 It was very distracting to me to hear the child  
12 throughout my instructions. It was very distracting to me  
13 yesterday when I gave my instructions initially to the jury.  
14 And when the baby was making the noise I thought that you  
15 would leave the courtroom, but you didn't. I asked someone  
16 to communicate to you that if the baby made noises to please  
17 go ahead and leave. You did not, so I'm going to have to ask  
18 you to leave with the child now. I'm sorry to do that.

19 MS. COUTURE: I was told to leave if the child was  
20 crying. She wasn't crying. She wasn't being fussy. She  
21 wasn't whining. She was just --

22 THE COURT: -- being a baby. I totally understand.  
23 She's not screaming and yelling, but she is loud enough so  
24 that it was very distracting to me as I was giving my  
25 instructions, and so I'm sorry to --

1 MS. COUTURE: This is her father. She hasn't been  
2 able to see her father. This is the closest she's been to  
3 her dad in her entire life, and I just feel like she should  
4 be here to see him. This isn't fair.

5 THE COURT: I totally understand, and I tried to  
6 get you a warning to that effect yesterday. Unfortunately,  
7 it is very distracting, and I don't want to have that happen  
8 throughout the trial.

9 So my apologies, but I'm going to have to ask you  
10 to make other arrangements.

11 MS. COUTURE: It's not right.

12 THE DEFENDANT: Your Honor, I have some problems  
13 here with my counsel. I mean, for the past five months I've  
14 seen him one time. He refuses to divulge any information to  
15 me, to give me any paperwork. I have not received any kind  
16 of mail. I have not been in contact with him.

17 He comes to me now to ask me about certain  
18 documents which he's never talked to me about which he's had  
19 in his possession for months upon months. He doesn't  
20 communicate nothing with me whatsoever. I don't know what's  
21 going on.

22 I haven't got no -- like the Giglio material,  
23 nothing. I haven't reviewed any of this stuff. I don't even  
24 know if he's had it. I don't understand what's going on  
25 here.

1           He hasn't been up to see me but one time before  
2       this trial took place. The last time I seen him was over a  
3       month and a half ago, and I still don't understand what's  
4       going on.

5           THE COURT: All right. I think what we'll probably  
6       do at this point in order for me to properly deal with this  
7       issue is probably seal the courtroom so that I can hear from  
8       Mr. Nakos.

9           So I'm going to have to have not only the baby but  
10      everybody at this point remove themselves from the courtroom.

11           (SEALED PORTION OF THE RECORD)

12           (CONCLUSION OF SEALED PORTION OF THE RECORD)

13           (IN COURT - JURY PRESENT)

14           THE COURT: Attorney Ollila.

15           MS. OLLILA: Thank you very much, your Honor.

16           Good morning, ladies and gentlemen. Yesterday I  
17      introduced myself, and I also introduced Diane Cullen who is  
18      a paralegal, and I told you yesterday that the United States  
19      would have several other individuals present, and they are  
20      here today.

21           I want to introduce you first to Chris True. Chris  
22      True is a legal assistant, has been my legal assistant for  
23      many years with the U.S. Attorney. She will be here to help  
24      with the exhibits and with the witnesses because we have so  
25      many witnesses. Thank you, Chris.



1           Also seated at counsel table with me is Lieutenant  
2 John Encarnacao. Lieutenant Encarnacao is the lieutenant in  
3 charge of the New Hampshire State Police NI Unit, Narcotics  
4 Investigation Unit. He's a long-time member of the New  
5 Hampshire State Police. Thank you, Lieutenant.

6           And Sergeant James Norris. Sergeant Norris was the  
7 lead case agent in this case. He's also a member of the  
8 state police and has been a long-time member of the New  
9 Hampshire State Police. Thank you, sir.

10           Ladies and gentlemen, as you now know from Judge  
11 McCafferty, the defendant, Alkis Nakos, has been charged in  
12 two distinct counts of the indictment.

13           The first count charges the defendant with  
14 something the law has named a CCE, a continuing criminal  
15 enterprise. Those who engage in a CCE are organizers,  
16 supervisors and managers of drug trafficking organizations  
17 which commit a series of controlled substance violations over  
18 an extended period of time and in doing so reap a significant  
19 financial reward.

20           The defendant, Alkis Nakos, served in that role  
21 during the period of 2008 through 2014. He was the New  
22 Hampshire chief of a huge marijuana trafficking organization  
23 centered in Canada which smuggled thousands of pounds across  
24 the border into the United States for distribution in several  
25 states on the East Coast, including New Hampshire, the state

1 where the defendant, Alkis Nakos, lived.

2           You will hear that Alkis Nakos' ability to receive  
3 the marijuana -- and this is high grade marijuana, extremely  
4 expensive, high grade because it was grown hydroponically or  
5 indoors. For each pound of the marijuana -- the Canadian  
6 marijuana you will hear ranged between 2,000 and \$5,000 a  
7 pound. His ability to receive the marijuana in New Hampshire  
8 occurred because he befriended a really high-ranking member  
9 of the Canadian drug trafficking organization, an individual  
10 by the name of Mihail Leventis, who the defendant called  
11 Mike. The defendant met Mihail Leventis, or Mike Leventis,  
12 while the two were incarcerated together at the New Hampshire  
13 State Prison for Men.

14           When the defendant was released from jail he  
15 traveled to Canada, as Mihail Leventis had also been  
16 released, met with Mihail Leventis and arranged to receive  
17 marijuana in New Hampshire.

18           The marijuana entered the country by vehicle, by  
19 foot with couriers carrying it on their back in black hockey  
20 style duffel bags, and the marijuana entered the United  
21 States in tractor-trailers that would routinely transport  
22 over a thousand pounds of marijuana across the border.

23           The marijuana itself, as you now know, which went  
24 for between 2 and \$5,000 a pound, would be contained in large  
25 Home Depot style boxes. As the organization matured, the

1 marijuana would be packaged in 50-pound increments and placed  
2 in black hockey style duffel bags, many of which you will see  
3 in evidence. The black hockey style duffel bags oftentimes  
4 contained a label, and the label was a code for the intended  
5 recipient of the marijuana.

6           Alkis Nakos and those who worked with him used the  
7 code name NH, because Alkis Nakos lived in New Hampshire and  
8 ran the New Hampshire end of the drug trafficking  
9 organization. But Alkis Nakos didn't act alone, because much  
10 like any business, you need many workers in order to be  
11 successful, and this leads to Count 2, ladies and gentlemen.

12           You heard also from Judge McCafferty that Count 2  
13 charges the defendant, Alkis Nakos, with engaging in a  
14 conspiracy to distribute and possess with intent to  
15 distribute in excess of 1,000 kilograms. 1,000 kilograms.  
16 There's 2.2 pounds per kilogram. So 1,000 kilograms is 2,200  
17 pounds. The indictment charges him with engaging in a  
18 conspiracy to distribute in excess of 1,000 kilograms of  
19 marijuana and the controlled substance that Judge McCafferty  
20 referred to as MDMA. It's 34 methylenedioxy-methamphetamine.  
21 The street name is known as MDMA or Molly or Ecstasy.

22           You will hear that Alkis Nakos and the drug  
23 trafficking organization employed many individuals to assist  
24 them. Some individuals simply grew the marijuana, while  
25 others packaged and labeled the marijuana.

1           Some in the conspiracy's job was just to carry the  
2 marijuana across the border on their back. Some simply  
3 stayed at locations across the border in the United States  
4 known as stash houses where the marijuana would be stored  
5 until it could be ferried down along the East Coast.

6           And of course some picked the marijuana up for  
7 distribution from other states and delivered it, and of  
8 course the workers, the ones who were really the lowest on  
9 the totem pole, the workers who obtained the marijuana, split  
10 it up, and then distributed the product itself.

11           Throughout the investigation you will hear that law  
12 enforcement arrested and prosecuted many individuals,  
13 including some individuals who worked for the defendant,  
14 Alkis Nakos, and some of them will be here to testify against  
15 him.

16           One such individual is named Nicholas, or Nick,  
17 Champagne. Nicholas Champagne you will hear was arrested in  
18 July 2009. He was charged with and pled guilty to engaging  
19 in a conspiracy to distribute in excess of 1,000 kilograms of  
20 marijuana. He remained incarcerated from July 2009 all the  
21 way up through December 2014, and he served every single day  
22 of his sentence.

23           You will hear that at the time of his arrest law  
24 enforcement approached him and tried to get him to cooperate  
25 or to flip against his boss, the defendant, Alkis Nakos. But

1 Nicholas Champagne refused because he and Alkis Nakos were  
2 best friends. They were childhood friends. They had known  
3 each other since the age of 14.

4           However, now that Nicholas Champagne has served  
5 every day of his sentence, now he no longer has a Fifth  
6 Amendment right to refuse to testify. And you will hear that  
7 if he does refuse, he could be sent back to jail for  
8 contempt. So because Nicholas Champagne absolutely refuses  
9 to give up one more single day away from his child who he  
10 loves so much, he has no other choice but to testify.

11           Among other things, Nicholas Champagne will tell  
12 you that he also knew Mihail Leventis, because he was  
13 incarcerated at the same time the defendant, Alkis Nakos, was  
14 incarcerated with Mihail Leventis.

15           You will hear that -- Nicholas Champagne will say  
16 that when he was released from prison during his first prison  
17 sentence in 2007 -- that is not his federal conviction. He  
18 was first released in 2007 in November -- he met with Alkis  
19 Nakos and Alkis Nakos had already traveled to Canada. Alkis  
20 Nakos had already met with Mihail, or Mike, Leventis and had  
21 already arranged for the marijuana to have a safe journey  
22 into New Hampshire to be distributed.

23           Nicholas Champagne was going to be the lieutenant  
24 for the defendant, Alkis Nakos. Nicholas Champagne  
25 distributed the marijuana to numerous individuals in New

1 Hampshire, one of whom was named Charles Fowle. Like  
2 Nicholas Champagne, Charles Fowle will be here to testify  
3 against Alkis Nakos.

4 Charles Fowle will also testify that he met Nakos  
5 while he and Nicholas Champagne were incarcerated together at  
6 the New Hampshire State Prison. Charles Fowle will testify  
7 that he saw at the prison that Alkis Nakos and Mihail  
8 Leventis were becoming good friends, and Charles Fowle will  
9 testify that Alkis Nakos' connection with Mihail Leventis as  
10 the high-ranking member of the Canadian drug trafficking  
11 organization is what allowed Alkis Nakos to get the marijuana  
12 into New Hampshire.

13 Charles Fowle will testify that after Nicholas  
14 Champagne was arrested in July of 2009 Alkis Nakos replaced  
15 Champagne with a new lieutenant, a new lieutenant by the name  
16 of Kosmas Koustas. Under the direction of Alkis Nakos,  
17 Kosmas Koustas took over the day-to-day distribution of the  
18 marijuana on behalf of Nakos. You will hear that Charles  
19 Fowle and Kosmas Koustas remained working for Alkis Nakos  
20 until their arrest in 2014.

21 So how did it all start, ladies and gentlemen? The  
22 testimony will make it clear that the case against Alkis  
23 Nakos and the Canadian drug trafficking organization started  
24 with the seizure of a drug ledger in February, February 21,  
25 2008, by a savvy border patrol agent, a U.S. Customs border

1 patrol agent. And you say what is a ledger? When drug  
2 dealers deal drugs -- when you're dealing so much drugs, it's  
3 literally impossible not to have some notations about the  
4 quantity of marijuana that's coming across the border, the  
5 intended recipient, monies owed, monies due to be paid. That  
6 in law enforcement is simply known as a drug ledger. But  
7 what you will see is that the business would never use  
8 anyone's real name, because if law enforcement ever got ahold  
9 of that drug ledger they would be able to connect the dots.

10 You will hear that the first page of the extensive  
11 drug ledger recovered by the border patrol agent represented  
12 the distribution of 1300 pounds of marijuana that was going  
13 to occur in the following week. The drug ledger was seized  
14 on February 21, 2008, so you would expect that throughout the  
15 rest of February those 1300 pounds would be distributed, and  
16 you'll see on the drug ledger next to individuals' code names  
17 is the amount of marijuana that they are slated to receive.

18 On the first page of that ledger you will see a  
19 reference NH, a reference to the defendant, Alkis Nakos, and  
20 you will also see that next to NH is the number 50. That  
21 simply meant that Alkis Nakos' operation was slated to  
22 receive 50 pounds of marijuana that following week.

23 What you will also see, which is very important, is  
24 on that very same page, just two inches below where Alkis  
25 Nakos' name, NH, is listed, along with 5-0, 50 pounds of

1 marijuana, there's a reference to 2 mill drop. That means  
2 that the marijuana that is going to be distributed, sent to  
3 the United States, distributed by Alkis Nakos and others  
4 involved, \$2 million is going to be received and dropped off  
5 somewhere.

6           Within one week of getting that ledger an Oklahoma  
7 state trooper was conducting his normal shift out on a  
8 throughway in Oklahoma when he observed a car being driven by  
9 a young man, and that car was a gray Toyota Tundra that had  
10 New Hampshire plates on it.

11           Because this Oklahoma trooper knows that that  
12 throughway is used by drug traffickers, and because that car  
13 committed a traffic violation, the trooper pulled him over.  
14 The trooper ended up seizing in that car, in secreted areas  
15 in the car, \$2 million in U.S. currency. It matched exactly  
16 what that ledger had predicted, that \$2 million was going to  
17 be dropped somewhere.

18           Now, you'll hear that when state troopers recover  
19 that much currency they bring it to the attention of the Drug  
20 Enforcement Administration, the DEA, because the DEA is  
21 charged with investigating large drug trafficking  
22 organizations that occur over many states. The Oklahoma  
23 state trooper forwarded the information to DEA in New  
24 Hampshire and Massachusetts, and they initiated an  
25 investigation which would come to be known as Operation



1 Brownshirt.

2 Because members of the border patrol now knew that  
3 they were dealing with an extensive marijuana operation, they  
4 were on the lookout for individuals who were crossing the  
5 border from Canada into the United States either on foot, in  
6 motor vehicles, or in tractor-trailers.

7 In November 2008 members of the Customs and border  
8 patrol saw two men that were carrying large hockey style  
9 duffel bags cross from Canada into the United States. When  
10 border patrol agents attempted to approach them, both men  
11 dropped those bags and ran. One of them was apprehended  
12 right away. The two bags contained exactly what you would  
13 think it contained, 50 pounds each, for a hundred pounds of  
14 marijuana that was seized by law enforcement.

15 Law enforcement, members of the Customs and Border  
16 Protection patrol, followed that second individual to a  
17 residence a short distance away, and that residence was a  
18 stone's throw away from the Canadian border. It was a stash  
19 house. It was where the marijuana was being held before it  
20 crossed into the United States.

21 They executed a search warrant on that residence,  
22 and they recovered two more large hockey bags, each of which  
23 contained 50 pounds of marijuana. And those hockey bags,  
24 much like the other hockey bags seized in this case, also had  
25 what you will see is a brass colored lock on the exterior

1 simply locking the hockey bag so no one could get in to get  
2 the marijuana.

3           Although law enforcement in New Hampshire, New  
4 York, Massachusetts, and Vermont were now working jointly to  
5 understand the depth of the drug trafficking organization, it  
6 was really difficult to understand the full reach without  
7 being able to detect and monitor the vehicles utilized by the  
8 numerous coconspirators.

9           But law enforcement had discovered during their  
10 investigation that many of the vehicles that were being  
11 utilized by the couriers were rented in New Hampshire at a  
12 rental company known as Buy Here Pay Here.

13           So law enforcement went to that rental company and  
14 started placing GPS tracking devices on vehicles that were  
15 scheduled to be rented by Canadians, and that happened. This  
16 allowed law enforcement to monitor the couriers, the  
17 deliverers, as they obtained the marijuana and then delivered  
18 it to its intended recipient.

19           By December 2008, almost seven months before the  
20 arrest of Nicholas Champagne in July, law enforcement placed  
21 a GPS tracking device on a vehicle that was rented at Buy  
22 Here Pay Here in New Hampshire, and they followed that  
23 vehicle to a warehouse in Waltham, Massachusetts, and they  
24 sat and they watched that vehicle.

25           The vehicle was met by a second vehicle at that

1 same warehouse, but that second vehicle didn't have a GPS  
2 tracking device on it because law enforcement didn't know  
3 about that vehicle. Law enforcement saw those two vehicles  
4 leave the area and go to a Home Depot and get a lot of Home  
5 Depot boxes and travel back to the warehouse.

6 Law enforcement then saw a large tractor-trailer  
7 pull into that warehouse. Law enforcement saw the  
8 individuals in the cars meet with the tractor-trailer  
9 operator, and then everyone went inside.

10 Within a short period of time law enforcement then  
11 saw Home Depot boxes being placed in both vehicles; the one  
12 vehicle that didn't have a tracking device on it and the  
13 vehicle that did have a tracking device on it.

14 Because law enforcement believed that those  
15 vehicles now contained marijuana that was hidden in the Home  
16 Depot boxes, they wanted the vehicles to get far enough away  
17 from the warehouse because law enforcement didn't want this  
18 organization to know that they were on to them, that they had  
19 located the warehouse. So law enforcement waited, and the  
20 vehicle that didn't have the tracking device was stopped  
21 several miles away. In fact, more than several miles away.

22 But the vehicle wasn't stopped by members of the  
23 DEA because that would never happen. The DEA would never  
24 stop a vehicle and go up and show their badge, DEA, because  
25 that would be obvious. The drug traffickers would know

1 instantly that law enforcement were on to them.

2           So what did the DEA do? They called a  
3 Massachusetts state trooper, gave the Massachusetts state  
4 trooper the information about the vehicle, and the  
5 Massachusetts state trooper pulled the vehicle over for a  
6 traffic violation. The Massachusetts state trooper ended up  
7 seizing 200 pounds of marijuana that was located in eight  
8 separate Home Depot boxes.

9           Because the tracking device had been placed on the  
10 one vehicle that traveled from New Hampshire down to Waltham,  
11 Massachusetts, law enforcement did monitor it as it came back  
12 into New Hampshire, and it went to 10 Delaware Avenue, the  
13 then address of Nicholas Champagne who was working for the  
14 defendant, Alkis Nakos.

15           Although law enforcement believed that the Home  
16 Depot boxes were being taken out of that vehicle and brought  
17 into 10 Delaware Avenue, it was dark and their vantage point  
18 was poor so they couldn't know for sure.

19           However, one week later, on December 30, 2008, law  
20 enforcement conducted videotaped surveillance of 10 Delaware  
21 Avenue and saw Nicholas Champagne and Charles Fowle leaving  
22 the residence with a large Home Depot box.

23           By January 2009, six months before the arrest of  
24 Nicholas Champagne, law enforcement monitored another vehicle  
25 as it traveled to Waltham, Massachusetts, went to the

1 warehouse, left the warehouse, and traveled back to 10  
2 Delaware Avenue in Manchester, New Hampshire.

3 The testimony will establish that because law  
4 enforcement knew that marijuana was being distributed by  
5 Nicholas Champagne on behalf of the defendant, Alkis Nakos,  
6 from 10 Delaware Avenue, they planned to intercept a load  
7 coming out the door if the opportunity arose.

8 Before their opportunity arose, there was a  
9 tractor-trailer containing 1,357 pounds of marijuana that was  
10 stopped along the U.S.-Canada border. Although the marijuana  
11 was packaged separately as if to label all of the marijuana  
12 going to its intended recipient, the largest bulk of that  
13 marijuana, 200 pounds, was labeled with the initials NH,  
14 representing the defendant Alkis Nakos' New Hampshire cell of  
15 the organization.

16 In February 2009, five months before Nicholas  
17 Champagne's arrest, law enforcement seized 58 pounds of  
18 marijuana that had been distributed by Nicholas Champagne to  
19 an individual by the name of David Coulombe. The marijuana  
20 was contained in black hockey style duffle bags that had a  
21 brass colored lock on the exterior. There was a label on the  
22 outside of that black hockey style bag and it read NH, a  
23 clear reference to the Nakos organization. The seizure of  
24 about 60 pounds of marijuana that ranged between 2 and \$5,000  
25 a pound meant that about \$150,000 or more was just lost.

1           You will hear, ladies and gentlemen, that when  
2 seizures start occurring, lots of money is lost. Someone  
3 needs to be accountable. And when that happened,  
4 coconspirators working together start to get suspicious and  
5 start changing up their mode of operation. It wasn't at all  
6 surprising then that law enforcement saw Nicholas Champagne  
7 leaving, moving out of 10 Delaware Avenue in Manchester, New  
8 Hampshire.

9           But what you'll also see is that when large drug  
10 trafficking organizations start taking on water, which like  
11 any large corporation, you start to see the leadership paying  
12 visits, and that's exactly what happened here. When Nicholas  
13 Champagne was moving out of 10 Delaware Avenue on April 2,  
14 2009, who showed up to assist? The defendant, Alkis Nakos.  
15 Law enforcement were watching and took pictures of the two as  
16 they swiftly moved Nicholas Champagne out.

17           Within two days of seeing Nicholas Champagne and  
18 Alkis Nakos move him out of 10 Delaware Avenue, Nicholas  
19 Champagne delivered \$194,000 in currency to two female  
20 Canadian couriers whose job it was to just pick up money.  
21 The women were stopped and law enforcement seized \$194,000  
22 located in the backseat, and they claimed they didn't even  
23 know how the money got there. They claimed they didn't know  
24 it was there.

25           You will hear that things really started to unravel

1 for this organization in May of 2009, two months before the  
2 arrest of Nicholas Champagne, when law enforcement seized  
3 another 100 pounds of marijuana from Nakos' New Hampshire  
4 organization valued at over \$300,000. Much like the 58-pound  
5 seizure, the 100-pound seizure was conveniently located in  
6 black hockey style duffel bags that had labels on the outside  
7 NH.

8 By June 2009 law enforcement in New Hampshire, New  
9 York, Massachusetts, and Vermont conducted two search  
10 warrants at two locations located in Vermont near the  
11 Canadian border.

12 Alkis Nakos wasn't charged in 2009 because he was  
13 really smart. He just was. He remained securely hidden  
14 behind a curtain. He never dared go near that marijuana. He  
15 didn't need to. He had his workers doing it for him.

16 But because law enforcement didn't arrest him, it  
17 didn't mean that they went away, that they packed their bags  
18 and just went home. Law enforcement know enough to know that  
19 the likes of Alkis Nakos don't stop dealing. Instead, they  
20 take a time-out, wait until the coast is clear, and start  
21 again, and he did.

22 By 2011 the Canadian drug trafficking organization  
23 resumed activities, and Alkis Nakos utilized additional  
24 coconspirators, including Charles Fowle and Kosmas Koustas,  
25 neither of which had been arrested, to help him with the

1 organization.

2 In fact, Kosmas Koustas took over Nick Champagne's  
3 role. As Alkis Nakos had done in 2008 and 2009, he was  
4 extremely careful and neither stored nor touched nor went  
5 near the marijuana. He remained hidden and simply monitored  
6 the activities of his coconspirators.

7 But you will also hear that during the same time  
8 the Nakos end of the drug trafficking organization changed  
9 with the times, as oftentimes drug conspiracies do. In  
10 addition to providing marijuana, which they had been since  
11 2008, Alkis Nakos and his organization now had MDMA, Ecstasy,  
12 Molly, 34 methylenedioxy-methamphetamine, for sale. This  
13 time, however, law enforcement utilized a wire tap, listening  
14 to telephones on a wire tap. Law enforcement listened to the  
15 telephones of Kosmas Koustas, Charles Fowle, and a third  
16 individual who was getting marijuana from the Alkis Nakos  
17 organization, an individual by the name of Jeremy Blevens,  
18 the cousin of Nicholas Champagne.

19 Although law enforcement never expected to hear  
20 Alkis Nakos being so careless as to talk about drugs on the  
21 telephone, he would never do that, they knew that Alkis Nakos  
22 would have some contact at some point with his  
23 coconspirators, with his workers, with Kosmas Koustas, the  
24 new lieutenant. They knew it was only a matter of time.  
25 They would watch and wait and see when Alkis Nakos met up



1 with Kosmas Koustas.

2 The very first night of the wire tap, October 23,  
3 2013, law enforcement monitored the wire and heard Kosmas  
4 Koustas speaking with the individual in Massachusetts and  
5 arranging to go down and pick up a load of marijuana, and he  
6 did.

7 As soon as he was on his way back, who did he call?  
8 He called Charles Fowle and Jeremy Blevens. Their job wasn't  
9 to go to Massachusetts to pick up the marijuana. That was  
10 Kosmas Koustas' job. Their job was to remain in New  
11 Hampshire, get the marijuana and distribute it, and that's  
12 what their role was. So as Kosmas Koustas is traveling back  
13 in his car, who is he calling? He's calling Charles Fowle  
14 and Jeremy Blevens.

15 But what you'll also hear about extensive drug  
16 trafficking organizations is that there's a rule. You never  
17 talk on what is known as a dirty phone to the leader of the  
18 organization. So what you will see is that as Kosmas Koustas  
19 is driving back from Massachusetts to New Hampshire he uses  
20 one phone, the dirty phone, to call Charles Fowle and Jeremy  
21 Blevens, and he has another phone with him at the same time,  
22 and you'll see that phone. You'll see the records for that  
23 phone. And who is he calling on that phone? He's calling  
24 the defendant, Alkis Nakos.

25 The testimony and the telephone records will

1       unequivocally show that in the days prior to the time that  
2       Koustas would travel down to Massachusetts in order to obtain  
3       a quantity of marijuana he was in constant telephone contact  
4       with Alkis Nakos on that clean phone.

5               But law enforcement knew that it was just going to  
6       be a matter of time before Kosmas Koustas met with Alkis  
7       Nakos, so they conducted surveillance at a couple of places  
8       where they thought they might meet. One of those locations  
9       was Alkis Nakos' residence, 366 Arah Street in Manchester,  
10      New Hampshire.

11              You will hear that on December 7, 2013, after  
12      Kosmas Koustas came back from Massachusetts with a load of  
13      marijuana, after he dropped the marijuana off, he traveled to  
14      Alkis Nakos' residence late that night and met there for  
15      about fifteen minutes. He did so because he needs to report  
16      to his boss.

17              On a separate occasion when Kosmas Koustas returned  
18      from New Hampshire with marijuana, law enforcement saw him  
19      meet at a residence known at 140 Porter Street. It was  
20      Kosmas Koustas' father's residence. While law enforcement  
21      were there, they saw the defendant Alkis Nakos' Mercedes-Benz  
22      pull in, go inside, and stay for a short period of time.

23              When a search warrant was executed at that  
24      residence sometime later, law enforcement seized a black  
25      hockey style duffel bag, and inside that duffel bag -- of

1 course there was no marijuana. It had been distributed. But  
2 there was a little piece of paper and it said Diamond Kush  
3 times 50. You will hear that Diamond Kush is a strain of  
4 marijuana. There are many different strains of marijuana.  
5 Fifty, a hundred different names for different strains of  
6 marijuana. M236, M39, Jack Herer, you name it, there are  
7 different strains. Diamond Kush times 50. And on the  
8 opposite side of that piece of paper it said BOS, Boston,  
9 because the marijuana had been picked up in Massachusetts.

10 You are going to hear that during the entire time  
11 frame of this conspiracy, 2008 to 2014, Alkis Nakos claimed  
12 to be employed as a pizza chef at his father's pizza  
13 restaurant in Manchester, New Hampshire, a pizza restaurant  
14 known as Amory Street House of Pizza.

15 That pizza shop is interesting because it was a  
16 legitimate pizza shop at one period of time, but it's been  
17 several years since any pizza has been seen coming out of the  
18 restaurant.

19 You will hear that during the 2008 through 2013  
20 time frame Alkis Nakos filed tax returns and received refunds  
21 based upon his claim to make \$30,000 a year as a pizza chef  
22 at Amory Street House of Pizza.

23 During the same time frame, 2008 to 2014, law  
24 enforcement had a videotape surveillance camera showing the  
25 front door of Amory Street House of Pizza. They had a live

1 feed connected to the front.

2           You will hear law enforcement testify that during  
3 that approximate one-year period they never once saw a pizza,  
4 a sub, or any food item come out of that pizza shop, nor did  
5 they ever see any families going in to eat or order pizza  
6 there. And they would know. Law enforcement would know,  
7 ladies and gentlemen, because for about a one-year period of  
8 time there was a law enforcement officer by the name of Paul  
9 Poirier. He is an undercover law enforcement officer. He  
10 was in Amory Street House of Pizza intentionally trying to  
11 befriend Alkis Nakos to gain information.

12           You will hear that although Alkis Nakos never  
13 talked about pizza, never talked about subs, never talked  
14 about the restaurant business in any capacity, he always  
15 talked about Montreal, he always talked about his several  
16 Mercedes-Benz vehicles, and he always talked about his  
17 frequent travels to Canada. But because law enforcement, the  
18 undercover law enforcement officer Paul Poirier is very good  
19 at what he does, Alkis Nakos would sometimes slip up and talk  
20 about the marijuana. After all, Alkis Nakos must have  
21 thought he had a lot to be proud of. He made a lot of money  
22 through the marijuana business.

23           You will hear that although Alkis Nakos claimed to  
24 make \$30,000 a year during the period of 2008 to 2014, during  
25 the period of 2011 to 2014 he had no less than four separate

1 Mercedes-Benz vehicles. And he actually talked to Paul  
2 Poirier, the undercover law enforcement officer, about  
3 special ordering a \$150,000 Mercedes-Benz that Alkis Nakos  
4 said would take two years to deliver.

5 The testimony will demonstrate that Alkis Nakos  
6 loved expensive items and often wore those items proudly that  
7 he would obtain through his travels to New York, for example,  
8 to go on shopping sprees. He proudly wore a Gucci belt  
9 buckle that he obtained during one of his trips.

10 In fact, in 2012 the defendant, Alkis Nakos,  
11 reported a burglary at his home. And when law enforcement,  
12 members of the Manchester police, responded to make a report  
13 for the burglary, Alkis Nakos was ready and he provided them  
14 with receipts for jewelry that had been stolen from his  
15 residence. One receipt was for a \$9,000 Rolex watch.  
16 Another was for a \$5,000 necklace. Another was for a \$4,000  
17 ring. In fact, Alkis Nakos told the law enforcement officer  
18 that a \$200 bottle of Cristal champagne had been taken from  
19 his residence.

20 He also had extensive home renovations done on his  
21 home in 2011. You will hear from one of the contractors who  
22 was there, and that contractor will say that during the  
23 winter of 2011 Alkis Nakos paid about \$100,000 in cash for  
24 renovations. And he wanted to pay the contractors cash as  
25 long as they agreed that no paper trail would be in existence

1 for the work they had done.

2 When law enforcement searched Alkis Nakos' home in  
3 2014, they seized over \$150,000 in money bands that  
4 represented money, cash, that had been taken out of banks by  
5 Alkis Nakos during the period of time.

6 Law enforcement also seized over \$12,000 in  
7 currency at his residence. \$6,380 of that currency, which  
8 consisted of forty-five 100s, thirty-seven 50s, one 20, and  
9 one 10 was located inside the sleeve of a Timberland shirt  
10 that was hanging in the master bedroom closet.

11 Another \$10,000, which consisted of four 100s,  
12 sixteen 50s, and one hundred and forty 20s, was located in a  
13 separate shirt also located in the master bedroom closet.

14 Law enforcement will testify that several months  
15 before the search of the defendant's residence law  
16 enforcement stopped him on the highway. And you will hear  
17 that Alkis Nakos was with -- present with another  
18 coconspirator, someone by the name of Christopher Ranfos.  
19 Christopher Ranfos was someone who like Charles Fowle, who  
20 like Jeremy Blevens, got some of the marijuana and  
21 distributed it. Alkis Nakos was located in one of his  
22 Mercedes-Benz with Christopher Ranfos.

23 Law enforcement seized about \$9,000 in currency  
24 from Alkis Nakos and they seized about \$9,000 in currency  
25 from Christopher Ranfos, but they also seized in Alkis Nakos'

1 money a small amount of Canadian currency.

2 What was really interesting about that stop you  
3 will hear is that just two days earlier, on March 15, 2014,  
4 law enforcement watched Christopher Ranfos as he met with  
5 Kosmas Koustas, obtained a quantity of marijuana, and then  
6 turned it over to some other waiting purchaser.

7 You will absolutely hear that this defendant, Alkis  
8 Nakos, is an extremely arrogant man. He likes to live the  
9 high life and sometimes his ego got the better of him. This  
10 happened during several conversations that he had with Paul  
11 Poirier, the undercover law enforcement officer, that was  
12 located at Amory Street House of Pizza.

13 During one conversation the defendant, Alkis Nakos,  
14 openly talked about the quality of the Canadian marijuana  
15 coming into the country and said how it was far superior to  
16 the marijuana entering the country from Mexico.

17 He told the same undercover law enforcement  
18 officer, Paul Poirier, about how he and his friends smuggled  
19 duffel bags containing marijuana through the woods across the  
20 Canadian border into the United States, and he openly told  
21 Paul Poirier that off of each pound of that marijuana he got  
22 to pocket between 3 and \$400 in U.S. currency.

23 Alkis Nakos proudly told the undercover law  
24 enforcement officer that he had been in Canada one time and  
25 was stopped by law enforcement because he was with someone

1 who law enforcement were watching. The defendant, Alkis  
2 Nakos, told the undercover law enforcement officer that when  
3 law enforcement in Canada stopped him they took about \$10,000  
4 in U.S. currency off of him.

5 Alkis Nakos was most certainly referring to Mihail,  
6 or Mike, Leventis who he frequently went to see in Canada  
7 because the New Hampshire cell is going to meet with the  
8 upper echelon in Canada. And you will see and hear that the  
9 testimony that Alkis Nakos -- excuse me, the statement that  
10 Alkis Nakos told Paul Poirier about the money being seized  
11 from him in Canada was confirmed when law enforcement  
12 executed the search warrant at his house.

13 During the search warrant law enforcement seized  
14 Alkis Nakos' computer. One of the many documents seized on  
15 that computer was a letter from Canadian authorities  
16 addressed to Alkis Nakos, 366 Arah Street, Manchester, New  
17 Hampshire, and in reference to the \$10,000 that had been  
18 seized from him.

19 Alkis Nakos' computer also contained many other  
20 things. One of them was a search term, a Google search term,  
21 how to erase text messages from iPhones.

22 The examination also demonstrated that Alkis Nakos  
23 monitored several DEA press releases involving certain drug  
24 arrests and seizures that had occurred in New Hampshire.

25 You will hear, ladies and gentlemen, that when



1 individuals are arrested and prosecuted -- individuals like  
2 Nicholas Champagne who was arrested in 2009, that when they  
3 are arrested and prosecuted, prosecutors are obligated to  
4 turn over what's called discovery, and discovery consists of  
5 all the law enforcement reports surrounding their arrest.  
6 The discovery includes marijuana quantities seized, the names  
7 and the statements of anyone who may have cooperated with law  
8 enforcement.

9           You will hear that located on the defendant Alkis  
10 Nakos' computer in addition to his Google searches, in  
11 addition to monitoring DEA press releases, the defendant  
12 maintained 1,500 pages of discovery that had been turned over  
13 during Operation Brownshirt. That discovery is still on his  
14 computer today because it's at the New Hampshire State Police  
15 forensics lab.

16           Nakos' organization came to an end in March and  
17 June of 2014. In March of 2014 law enforcement engaged in a  
18 high-speed chase going over a hundred miles an hour on 93  
19 south near Londonderry as they attempted to stop Kosmas  
20 Koustas who had just returned from Massachusetts. Kosmas  
21 Koustas was finally arrested after he abandoned his car.

22           Law enforcement executed a search warrant at his  
23 residence, and they seized two pounds of MDMA, an  
24 extraordinary amount of MDMA, two guns, 15 telephones, an  
25 electronic money counter, one pound of marijuana which not at

1 all surprisingly was labeled NH, and three new and unused  
2 BlackBerry cell phones that were located with the marijuana.

3 Ladies and gentlemen, the testimony will show that  
4 the defendant Alkis Nakos' reign has come to an end. The  
5 evidence will show that he organized, managed, and supervised  
6 a vast drug conspiracy that was responsible for the  
7 distribution of controlled substances in New Hampshire.

8 At the conclusion of the evidence I will come  
9 before you again and ask that you return the only verdict  
10 consistent with the evidence in this case, and that is of  
11 course verdicts of guilty. Thank you.

12 THE COURT: Attorney Sheketoff.

13 MR. SHEKETOFF: Thank you, your Honor.

14 Good morning. Once again, I'm the foreigner from  
15 Massachusetts. My name is Robert Sheketoff. I brought a law  
16 student with me, and we represent the defendant in this case,  
17 my client.

18 Now, that was a very interesting speech, and the  
19 Judge told you that, you know, it's not evidence of any kind.  
20 It's just a lawyer's viewpoint of what the evidence will  
21 show.

22 Now, it's unlikely that I'm going to call any  
23 witnesses in this case. I may, but it's unlikely. So I'm  
24 going to use the opening statement in a slightly different  
25 way than the prosecutor did, and that is to try and focus

1 your attention on what's really in controversy in this case,  
2 what's really at issue, so that you'll understand the  
3 examinations, the cross-examinations that I conduct, and you  
4 will see what the defense's theory is so that you can  
5 evaluate it during the course of the trial.

6 Now, the prosecutor said NH is my client. That's  
7 the -- my client. That's what NH means. That's the real  
8 issue in the case. Who is NH? And I ask you to pay  
9 particular attention to that question.

10 This is not a case about, from the defense point of  
11 view, whether there's a drug trafficking organization in  
12 Canada or that there was a drug trafficking organization that  
13 was in New Hampshire and in other states. That's not the  
14 issue in this case. The issue in this case is who is NH.

15 And the prosecutor told you, quite frankly, that  
16 she's got at least two witnesses, Mr. Fowle, and more  
17 importantly Mr. Champagne, who are going to tell you that,  
18 yeah, NH is Mr. Nakos.

19 And your job as jurors is to carefully evaluate  
20 that testimony, to size it up, to use your common sense, to  
21 think about the rewards and inducements that were made to say  
22 that, to think about the logic of their stories of what makes  
23 sense and what doesn't make sense, and to evaluate whether or  
24 not that's believable testimony that you're going to rely on  
25 beyond a reasonable doubt, and maybe they'll have some other

1 alleged coconspirator who will come in here and add to that  
2 in one way or another.

3           You have to carefully evaluate and think about  
4 their testimony, because you may have noticed something else  
5 about the prosecutor's opening statement. My client is a  
6 genius. He's the most careful, most intelligent person that  
7 ever lived, and because he's a genius he's not ever going to  
8 touch the marijuana. He's not ever going to say anything on  
9 the telephone. He's not ever going to be caught doing  
10 anything wrong.

11           Well, that's one possibility. That's one  
12 possibility. And I'm going to try and suggest to you during  
13 the course of the trial with my examination and the evidence  
14 that there's another possibility; that is, he wasn't doing  
15 anything wrong.

16           Now, my client, as you all learned during jury  
17 impanelment and as you will hear clearly in the evidence,  
18 grew up in Manchester, New Hampshire, and then in the New  
19 Hampshire State Prison. That's where he grew up. He went  
20 there at age 18.

21           His family, the evidence will show, was other  
22 prisoners that he came of age with in that prison. Mihail  
23 Leventis, the Canadian big shot. Kosmas Koustas, who at  
24 various points in time was like a brother to my client, a  
25 very, very dear friend, someone that you may question his

1 judgment about choosing someone like that as a friend, but he  
2 grew up with that person in a very tough setting. And  
3 Nicholas Champagne, another person that was like my client's  
4 brother for a large part of his life, someone he trusted and  
5 befriended and treated as a brother.

6 He grew up with these people in that prison  
7 setting, and they also grew up with Mihail Leventis. They  
8 were in that same prison with him. It's very convenient to  
9 now say, oh, the connection was this guy.

10 And people like Fowle and others like him, and this  
11 is going to be the real issue in the case for you, are they  
12 workers for my client or are they workers for Mr. Champagne  
13 followed by Mr. Koustas? Mr. Champagne gets moved out of an  
14 apartment by Mr. Nakos? Yeah, they're friends. He moved him  
15 out of an apartment.

16 Mr. Koustas meets with my client at his father's  
17 house and other places? Yeah, they're friends. They talk  
18 all the time on the phone. All the time.

19 I suggest that the evidence will show that these  
20 lieutenants are not lieutenants. They're the captains; that  
21 Captain Champagne recruited Captain Koustas to take Captain  
22 Champagne's place.

23 You will learn during the course of this trial that  
24 the federal government and the law enforcement agencies that  
25 work with the federal agencies have all kinds of weapons to

1 fight this war on crime, on drugs. All kinds of weapons.  
2 GPS tracking devices. Pole cameras where they can take  
3 pictures of everything that goes in and out of a certain  
4 place for years at a time. Some of these things you need  
5 warrants for. Some of them you don't. Wire taps where they  
6 can listen to every phone conversation that takes place on a  
7 phone. One-party consent wires where you can -- if I say to  
8 you Nicholas Champagne is selling drugs and he'll talk to me  
9 about it, you can put a wire on me -- you'll learn this  
10 during the course of the trial -- and have me have a  
11 conversation with him and record it. You don't even need a  
12 warrant for that.

13 At the end of this trial you're going to have to  
14 decide, is the reason they have nothing but the word of very  
15 untrustworthy people, is the reason because he's a genius, or  
16 because he wasn't doing anything?

17 Not everyone that goes to prison and comes out of  
18 prison is a lifetime criminal. The recidivist rate is not  
19 100 percent. It's not even close to 100 percent.

20 Listen to the evidence very carefully, very  
21 carefully. At the end of this case I will stand up and say  
22 to you they have nothing but the word of untrustworthy people  
23 who in your common sense you know you cannot rely on. That's  
24 what they have and nothing more. Thank you.

25 THE COURT: All right. Thank you, counsel.

1           What we're going to do now is take a brief morning  
2 break, very brief, ten, fifteen minutes, and then we'll come  
3 back and hear from witnesses and then get your lunch break,  
4 all right?

5           (RECESS)

6           THE COURT: Attorney Ollila, you may call your  
7 first witness.

8           MS. OLLILA: Thank you, your Honor. The United  
9 States calls Mark Simonsen.

10                       MARK SIMONSEN

11           having been duly sworn, testified as follows:

12           THE CLERK: For the record, would you please state  
13 your name and spell your last name.

14           THE WITNESS: It's Mark Simonsen. Last name is  
15 spelled S-I-M-O-N-S-E-N.

16           THE CLERK: Thank you.

17           MS. OLLILA: May I proceed, your Honor?

18           THE COURT: Yes, you may.

19                       DIRECT EXAMINATION

20 BY MS. OLLILA:

21           Q. Good morning, sir.

22           A. Good morning.

23           Q. Could you let this jury know how you are employed?

24           A. With the United States Border Patrol. I'm a  
25 supervisory border patrol agent with the Intelligence

1 Division.

2 Q. What does that mean?

3 A. We gather intelligence, and then we disseminate it  
4 to the fields hopefully to effect arrests off that  
5 intelligence.

6 Q. How long have you been with the U.S. Customs and  
7 Border Patrol?

8 A. I've been 20 years.

9 Q. And generally what have you done over the last 20  
10 years?

11 A. I started out as a border patrol agent in  
12 Brownsville, Texas, was there for a couple of years. Then I  
13 came up as a border patrol agent in Swanton, Vermont, and was  
14 a canine handler after that, intelligence agent after that,  
15 and now supervisory intelligence agent.

16 Q. Would you explain to the jury what it means to be a  
17 canine handler on the border. Why would law enforcement need  
18 canines along the U.S.-Canada border?

19 A. My canine was trained to detect hidden humans or  
20 narcotics. When people smuggle stuff across the border, they  
21 often hide it in places, in vehicles and whatnot, and he's  
22 trained to detect that, or also if humans were hidden in a  
23 trunk or in box cars or something like that, he's also  
24 trained to detect them in that.

25 Q. What are some things that are smuggled across the



1 border between Canada and the United States?

2 A. Oh, lots of, of course, narcotics, marijuana,  
3 cocaine, heroin, hash. Lots of different narcotics found in  
4 rugs, toothpaste, anything. There's lots of -- humans.

5 Q. How many drug cases have you handled while being  
6 with the Customs and border patrol with respect to marijuana  
7 in particular?

8 A. Hundreds.

9 Q. And what type of cases do you see as part of the  
10 border?

11 A. What kind of --

12 Q. Meaning are they all smuggling cases?

13 A. Yes.

14 Q. And how does marijuana, how does it get from Canada  
15 into the United States? What type of cases do you see?

16 A. Because of the area that I work in, a lot of it  
17 is -- it's unique where I am. So the river -- there's the  
18 Saint Lawrence River, and that accesses the border between  
19 the United States and Canada there, so a lot of it is boated  
20 across the river.

21 Q. Say that again. It's boated across the river?

22 A. Yes.

23 Q. And I failed to ask you, where are you working  
24 right now?

25 A. I'm in Massena, New York.

1           Q.     And where is Massena, New York, in relation to the  
2 border?

3           A.     It's right on the borders.

4           Q.     And you indicated you had been working in did you  
5 say Swanton, Vermont, at one point?

6           A.     Yes. Swanton, Vermont.

7           Q.     And where is that in relation to the U.S.-Canada  
8 border?

9           A.     Right on the border.

10          Q.     Now, you were just talking about how marijuana  
11 would come into the United States and you said by boat. How  
12 else?

13          A.     Also on foot. They can walk it across through the  
14 unguarded portions of the border where there's not a port of  
15 entry. In between the ports of entry they will walk it  
16 across. Other times there's locations that they can drive it  
17 across the border.

18          Q.     What do you mean when you say there's a port of  
19 entry? What is that? Can you describe it?

20          A.     A port of entry is where people report. When  
21 you're legally coming to the United States from Canada you  
22 have to go through a port of entry. That's where the Customs  
23 officers would check your status to make sure that you are  
24 okay to enter and then they allow you to enter there and they  
25 inspect your vehicles and whatnot.

1 Q. When vehicles show up at the port of entry are they  
2 subject to inspection and search?

3 A. Yes.

4 Q. Do you have to have any reason to search them?

5 A. No.

6 Q. How often do you search vehicles at the port of  
7 entry?

8 A. I personally do not. I patrol the outside to the  
9 border. But they do it all day long every vehicle that goes  
10 through.

11 Q. When you patrol, what is the land mass you're  
12 required to patrol?

13 A. Meaning?

14 Q. Meaning the area.

15 A. We patrol anywhere along the border. My sector is  
16 Swanton sector, and it covers all of the way from New  
17 Hampshire to the upper parts of New York.

18 Q. How many miles is that approximately?

19 A. I do not know. I'm sorry about that.

20 Q. That wasn't a trick question. So how in the world  
21 could you stop all drug trafficking between Canada and the  
22 United States if the border is that extensive?

23 A. You can't.

24 Q. When you patrol are you on foot, are you in a  
25 vehicle?

1           A.     A mix. I've been on foot, vehicle. We have  
2     four-wheelers, snowmobiles, but I was usually in a vehicle or  
3     on foot.

4           Q.     Your vehicle, is it a marked vehicle?

5           A.     Over the years I've had several different vehicles.  
6     I did start in marked units. I am now in plain clothes,  
7     unmarked vehicle.

8           Q.     So if you were patrolling the border in your  
9     vehicle and I drove by you, would I be able to tell that you  
10    were with the border patrol?

11          A.     At this time, no.

12          Q.     In 2008 would I be able to tell that?

13          A.     You may or may not. It would have depended. My  
14    canine vehicle was a white vehicle. It had a government  
15    plate on it, so if you're really looking closely. And it  
16    also has a very distinct cage that's behind it so you might  
17    be able to tell.

18          Q.     Where were you on February 21, 2008?

19          A.     I was working at the Burke, New York, station  
20    border patrol. I was a canine handler. I was working a  
21    midnight shift.

22          Q.     And again, how far is the Burke station from the  
23    border of Canada?

24          A.     About 400 miles.

25          Q.     Say that again.

1           A.     About 400 miles. Somewhere in there.

2           Q.     And what were your duties that night?

3           A.     Patrol with the canine.

4           Q.     Do you know the concept known as a scout vehicle?

5           A.     Yes.

6           Q.     What is that?

7           A.     We see it a lot with smuggling cases, whether it's  
8 humans or narcotics, they'll run a scout vehicle. The scout  
9 vehicle usually drives ahead. The scout would be ahead of  
10 the vehicle that would contain the narcotics or the illegal  
11 aliens, and they will look or scout for law enforcement in  
12 the area and let the other vehicle know if there's anything  
13 that they should be concerned about so they can turn around  
14 or go a different way.

15          Q.     The area you patrol, is it highly isolated? Is  
16 there a lot of cars up there?

17          A.     No. Not on the midnight shift there isn't. But  
18 weekends it's a little busier. It's not real busy, no.  
19 There's a lot of farmland. It's not a super busy area.

20          Q.     Did something happen on February 21, 2008, that  
21 made you suspicious?

22          A.     Yes.

23          Q.     What happened?

24          A.     I was patrolling on State Route 122, which is very  
25 close to the Burke station, and I was driving down the road

1 and I noticed -- it was 1:00 in the morning so there wasn't a  
2 lot of traffic at all. I hadn't seen any vehicles yet in  
3 fact on the State Route 122.

4 I had a red maroon Tundra with a Massachusetts  
5 plate. I met them as I was going. And then right behind  
6 them was another red Grand Prix with a New York plate. The  
7 New York plate was a different New York plate. Local  
8 plates -- the first three numbers on a local plate are pretty  
9 common, like FR for us was very common. GLZ. There's  
10 different -- you start to learn the plates. So this one  
11 seemed off. It wasn't the same.

12 Q. So you saw two vehicles. Did it appear that the  
13 vehicles were traveling in tandem?

14 A. Yes.

15 Q. Now, when you saw them, did you pass them or did  
16 you come up behind them?

17 A. I passed them, but I immediately turned around and  
18 then came up behind them.

19 Q. So you pass them, you come up behind them, and what  
20 happens?

21 A. At the time the vehicle, the Grand Prix, was --  
22 they were doing around 60 miles an hour in a 55 zone, which  
23 is pretty common, pretty normal, but then they immediately  
24 slowed down to, I can't remember, I think it was around 40  
25 miles an hour, slowed down real fast, but the pickup kept

1 going the same speed, and then they would speed back up and  
2 then slow back down and --

3 Q. What was the speed limit on that road?

4 A. 55.

5 Q. Okay. So did you make anything of it?

6 A. Yeah, it was very odd, not common, you know, to  
7 have them speed up and, you know, when you're doing 60, drop  
8 to 40, and then one time to 30. In my experience I would say  
9 that it draws attention to them, and sometimes that's done  
10 purposely and that's where we get into -- I considered that  
11 to possibly be like a block vehicle.

12 Q. You mean a scout vehicle?

13 A. No. I consider a scout different.

14 Q. Okay.

15 A. A scout would ride ahead --

16 Q. Okay.

17 A. -- of the load. Whatever they're protecting, the  
18 scout vehicle would ride ahead of that and scout and say,  
19 okay, look, there's law enforcement up here, you need to turn  
20 around.

21 Q. Could you describe what you mean by I considered  
22 that to be a blocking vehicle? What do you mean by that?

23 A. The blocking vehicle would be more to block law  
24 enforcement from the lead vehicle.

25 Q. Had you ever seen that in drug smuggling before?

1           A.     Yes.

2           Q.     And what is that?  What does the blocking vehicle  
3     do?

4           A.     It draws attention to itself so that it gets pulled  
5     over and stopped, ties up law enforcement so that the other  
6     vehicle can continue driving.

7           Q.     You indicated that the vehicle that was what you  
8     think was the blocking vehicle sped up, slowed down, sped up.  
9     Did it do anything else?

10          A.     Yes.  Both the passenger and driver flipped lit  
11     cigarette butts out at the same time, towards the back, which  
12     was odd to me, again drawing more attention.  I do remember  
13     that it was kind of erratic.  It didn't cross a line, but it  
14     would touch one line and then go to the other line.

15          Q.     How far were you behind that vehicle when the  
16     driver and passenger threw their cigarette butts out?

17          A.     I was fairly close because I was getting the  
18     license plate and running the license plate at that time.  So  
19     I was within a couple car lengths.

20          Q.     What did you do when you saw that?

21          A.     I waited for record checks to come back to see  
22     where it was registered out of, and then once I did that I  
23     ended up making a stop on the vehicle.

24          Q.     Did you stop one vehicle or both?

25          A.     I stopped one at the time.



1 Q. Okay. And let's just stop right there. What did  
2 you do? You stopped one vehicle. Did you walk up to it?

3 A. Yes.

4 Q. And did you ask for the license and registration of  
5 the driver?

6 A. Yes.

7 Q. Who was the driver?

8 A. Steven Sarti.

9 Q. What did you do then?

10 A. I asked him for the -- I could smell -- as soon as  
11 I walked up to the vehicle I could smell what I know to be  
12 marijuana coming from the inside of the vehicle. I asked him  
13 for identification. Asked the passenger for identification.  
14 They were both nervous acting, their hands were shaking, and  
15 the passenger wouldn't make eye contact, was kind of staring  
16 straight ahead. So I advised them at that point -- I asked  
17 them a couple questions about where they were coming from,  
18 where they were going. Mr. Sarti told me that he --

19 MR. SHEKETOFF: Well, objection.

20 Q. Let me ask you this. What did you end up doing  
21 with that vehicle?

22 A. I ended up having -- advising them that I was going  
23 to allow my canine to do an exterior sniff of the vehicle.

24 Q. And did you?

25 A. Yes.

1 Q. What's your canine's name?

2 A. Dasty B.

3 Q. Dasty B?

4 A. Yes.

5 Q. Why is your canine named Dasty B?

6 A. Well, there's more than one -- the government has a  
7 lot of dogs, obviously. So if there's more than one Dasty,  
8 he's Dasty B if he's the second one. And there could be a  
9 Dasty C or there could be a Dasty D.

10 Q. If you are a canine handler, do you have to engage  
11 in training?

12 A. Yes.

13 Q. How much training?

14 A. We train weekly for eight-hour blocks, and then we  
15 also do -- initially go to El Paso, Texas, for like three  
16 months.

17 Q. When you got your canine out of your vehicle and  
18 had Dasty B engage in a search of the vehicle you had pulled  
19 over, how do you conduct the search? What do you do  
20 physically with Dasty B?

21 A. You do a high/low presentation of the vehicle on  
22 the exterior of it.

23 Q. What does that mean?

24 A. He's on lead. And I'll put my hand low on the  
25 vehicle, high, gives him his sniff points and gets his head

1 working up and down the vehicle, and I walk him around the  
2 exterior of the vehicle.

3 Q. So if you are with him on lead and you go down, is  
4 his job to go down with you and smell?

5 A. Yes.

6 Q. And you go up and down?

7 A. Yes.

8 Q. And Dasty B follows your lead?

9 A. Yes.

10 Q. And what is he trying to do with respect to where  
11 his nose is? He's looking for what?

12 A. He's looking for scent. So scent of narcotics,  
13 scent of humans, whatever it is, so we present high and low  
14 so that we don't miss a seam if there's a seam on the door or  
15 anything like that. It's just to get his head going up and  
16 down, up and down, so that he can gather the scent on the  
17 entire vehicle that way.

18 Q. And what happened?

19 A. When I got to the passenger side of the vehicle,  
20 the window was down partially. So when I presented high, he  
21 attempted to jump inside the vehicle through the window.

22 Q. What does that mean to you as a canine handler?

23 A. I'd call that an alert. It means that he's  
24 alerting to the vehicle, that he wants to get in there, that  
25 there's something possible that he wants. But when he

1 couldn't get in the window he immediately got out and then he  
2 indicated, which means that he sat. He does a pinpoint stare  
3 at the door, and he's telling me that there's something  
4 there.

5 Q. So you engage in training with Dasty B. And when  
6 Dasty B detects the scent of narcotics, what is the signal  
7 that he gives to you?

8 A. His sit and his pinpoint stare.

9 Q. Okay. Pinpoint stare. He doesn't move? He stares  
10 at a location?

11 A. Uh-huh.

12 Q. Then what do you do when he signals?

13 A. If it's on the exterior, then I would let him into  
14 the vehicle.

15 Q. And did you do that?

16 A. Yes.

17 Q. And what happened?

18 A. He immediately went to the front passenger seat.  
19 He was alerting throughout the vehicle. He sat on the seat  
20 of the vehicle and stared at the floor.

21 Q. Okay. And then what did you do?

22 A. I rewarded him, which is we give him his toy for --

23 Q. Why do you reward the dog? So you're a canine  
24 handler. And when a dog alerts, what is it you give him?

25 A. I believe that day it was a -- it's a green

1 hydraulic hose, about a one-foot piece of hydraulic hose.  
2 The thing behind it is to not let him -- he doesn't think  
3 that he's finding narcotics. He thinks he's finding his toy.  
4 So it's kind of a trick you do for the dog. When he  
5 indicates and alerts, he stares, he's staring there, you  
6 throw a toy in and he thinks that the toy popped out of where  
7 he's staring. So to him, he just found his toy. So that's  
8 how he works. That's what he works for is that toy.

9 Q. So you gave him the piece of hose?

10 A. Yes.

11 Q. How long do you let him have the hose as a reward?

12 A. You play tug-of-war with him for just a couple of  
13 minutes, tug-of-war, and then you take it away from him and  
14 hide it.

15 Q. The occupants of that car, where were they when you  
16 were doing the search with Dasty B?

17 A. Standing on the side of the road.

18 Q. And how many occupants of the car were there?

19 A. Two.

20 Q. You just identified Steven Sarti. Who was the  
21 second individual that was located in the passenger seat of  
22 that car?

23 A. Ryan Meyers.

24 Q. Ryan Meyers?

25 A. Yes.

1           Q.     Now, as you were engaging in the search of the car  
2     with Dasty B, whatever happened to the other vehicle that  
3     kept on going?

4           A.     During the interview of Sarti at the vehicle he had  
5     mentioned that he had rented the vehicle in Boston.

6           MR. SHEKETOFF:   Objection.

7           THE COURT:   Objection.   You'll rephrase?

8           MS. OLLILA:   I'll move on.

9           THE COURT:   Okay.   Objection sustained then.

10          MR. SHEKETOFF:   I'm sorry, your Honor?

11          THE COURT:   Objection sustained.   You can go ahead  
12     and move on.

13          Q.     At some point in time was that other vehicle  
14     stopped by law enforcement?

15          A.     Yes.

16          Q.     After Dasty B alerted, did you do anything with the  
17     vehicle? Did it stay right there or did it go anywhere else?

18          A.     By then I had another agent that was there, so I  
19     put Dasty back in the vehicle and I traveled to the other --  
20     the pickup truck that was stopped with the Massachusetts tag.

21          Q.     So you went ahead and went to that vehicle,  
22     correct?

23          A.     Correct.

24          Q.     What did you do at that vehicle?

25          A.     I again did an exterior sniff of the vehicle with

1 my canine.

2 Q. What happened?

3 A. He alerted immediately to the -- I think it was the  
4 back passenger's door.

5 Q. Then what did you do?

6 A. I let him inside, where he alerted and indicated to  
7 the door panel.

8 Q. Did you go in and look at the door panel?

9 A. Yes.

10 Q. Did anything look unusual?

11 A. Yes. Throughout all the door panels, the flooring  
12 and whatnot.

13 Q. What looked unusual?

14 A. You could tell that the pins that hold the plastic  
15 in had been replaced and a lot of them were pulled out. The  
16 door panels were very loose. The plastic portion on the  
17 inside was very loose. The carpet was also pulled up in  
18 spots and not tucked underneath the moldings.

19 Q. Had you ever seen that before?

20 A. Yes.

21 Q. How many times do you think you've seen that?

22 A. Numerous. I don't know. Maybe a hundred. I'm not  
23 sure.

24 Q. And it's a sign of what?

25 A. For me when we see it after an alert it's a sign

1     that there was something hidden in those areas or those areas  
2     were pulled out for some reason, whether it was to hide  
3     narcotics or whatever.

4           Q.     You have indicated during your testimony that you  
5     have participated in hundreds of smuggling investigations; is  
6     that correct?

7           A.     Correct.

8           Q.     And of those, was your testimony that over a  
9     hundred involved marijuana?

10          A.     Yes.

11          Q.     Now, what about the concept of a drug ledger? Do  
12     you know what that is?

13          A.     Yes.

14          Q.     Have you ever seized drug ledgers?

15          A.     Yes.

16          Q.     Approximately how many times?

17          A.     Maybe -- I'm guessing maybe 20. 15, 20, I'm  
18     guessing.

19          Q.     What is a drug ledger?

20          A.     It's just -- they'll have either a notebook or  
21     papers, stuff that's written down that will indicate what  
22     they've moved for drugs or what they've collected for money,  
23     or sometimes locations, sometimes phone numbers. Just  
24     different information about smuggling events that occurred.

25          Q.     When you've come across drug ledgers like that,



1 what do you do with the drug ledgers?

2 A. Depending on the case, if you had the drugs in the  
3 vehicle I would seize it and take care of it. If it's not,  
4 then lots of times we make photocopies of it and then hold it  
5 for intelligence reasons and for further investigation.

6 Q. So now Dasty B alerted to both vehicles. What  
7 happens then?

8 A. Both vehicles are brought back to the Burke border  
9 patrol station where they can be gone through more, checked  
10 over more thoroughly. And I was -- the Sarti vehicle, the  
11 red Grand Prix, went through that and checked for anything  
12 indicating smuggling events, intelligence, pocket trash we  
13 call it, papers that people might just throw on the floors or  
14 whatnot or have in their glove boxes that would indicate  
15 phone numbers or locations or anything like that.

16 Q. You just said the red Grand Prix, the vehicle that  
17 Sarti was driving and also the vehicle that Ryan Meyers was  
18 in; is that correct?

19 A. Correct.

20 Q. Did you go through that vehicle?

21 A. Yes, I did.

22 Q. Did you locate anything?

23 A. Yes, I did.

24 Q. What did you locate?

25 A. A lot of, we call it shake, or it seemed like they

1 would spread pieces of marijuana throughout the floor of the  
2 vehicle. There was a lot of it on the floor. There was  
3 Zippo rolling papers, and then there was a device that's used  
4 to crush marijuana buds to make them small enough to roll  
5 into marijuana that was in there, and also cell phones. And  
6 then I found what I thought was -- what I believed to be a  
7 drug ledger inside of a bag inside the vehicle also.

8 Q. Inside that first vehicle being driven by Steven  
9 Sarti and Ryan Meyers; is that correct?

10 A. Correct.

11 Q. And you said you found what you would term is a  
12 drug ledger; is that correct?

13 A. Correct.

14 Q. Where was Steven Sarti and Ryan Meyers while you  
15 were going through their car?

16 A. They were in the office part. I was in the garage  
17 part.

18 Q. Could they see what you were doing?

19 A. No.

20 Q. When you found that drug ledger, what did you do  
21 with it?

22 A. I gave it to another agent and asked him to make a  
23 photocopy of it while I continued the search.

24 Q. And did the agent make a copy?

25 A. Yes.

1 Q. The photocopy that he made, did he give it to you?

2 A. Yes.

3 Q. And did you review the photocopy?

4 A. Yes.

5 Q. Let me show you what has been marked as  
6 Government's Exhibit 1h for identification, and I'll ask that  
7 you go through this document, sir, and indicate whether or  
8 not you recognize what that document is.

9 A. Yes.

10 Q. What is it?

11 A. It's the ledger that I found that day.

12 MS. OLLILA: Your Honor, I would ask that the ID be  
13 stricken on Government's Exhibit 1h and it be entered into  
14 evidence.

15 THE COURT: Any objection?

16 MR. SHEKETOFF: No objection, your Honor.

17 THE COURT: All right. Exhibit 1h is a full  
18 exhibit.

19 (Government's Exhibit No. 1h Admitted)

20 MS. OLLILA: Diane, please pull up 1h.

21 Q. Sir, you stopped the vehicle on what date exactly,  
22 the vehicles?

23 A. It was February 21, 2008.

24 Q. And what day of the week did that fall on?

25 A. It was a Thursday.

1 Q. Now, what is pulled up on the screen is the first  
2 page of Government's Exhibit 1h. At the top of the page --  
3 is any of this your handwriting?

4 A. No.

5 Q. This is the ledger that was seized from a bag in  
6 the Sarti/Meyers car; is that correct?

7 A. Correct.

8 Q. The first line indicates first Monday?

9 A. Yes.

10 Q. Based upon your understanding of drug ledgers, what  
11 does that mean?

12 A. Well, it would depend on when it happened. So it  
13 would be either the first Monday of the month or the first  
14 Monday of the trip. It just depends on that.

15 Q. Okay. So it was a Thursday. Could it be the  
16 following Monday?

17 A. Yes.

18 Q. And if you look down below where it says first  
19 Monday, can you see where it says second Wednesday?

20 A. Yes.

21 Q. What would that be?

22 A. That would be the following Wednesday.

23 Q. What about underneath that reference, it says third  
24 Thursday, what would that be?

25 A. That would be the next Thursday.

1 Q. Now, where it says third Thursday, if you look  
2 right below, it says ITL-150, can you see that?

3 A. Yes.

4 Q. Based upon your understanding of drug ledgers, what  
5 is that a reference to?

6 A. In this instance here when you look at it, it's 150  
7 pounds, and ITL would be whoever they delivered that to.

8 Q. What about below ITL? It says NH. Do you see  
9 that?

10 A. Yes.

11 Q. What does it say next to NH?

12 A. 50.

13 Q. And what would that be a reference to?

14 A. 50 pounds of marijuana.

15 Q. Of what?

16 A. Of marijuana.

17 Q. Now, I want you to keep going down. Under NH it  
18 says Mark, then it says Ed, and then it says block. What  
19 does it say underneath block?

20 A. 2 mill drop, 1 percent equals 20K equals 300.

21 Q. 2 mill drop. Based upon your training and  
22 knowledge of drug ledgers, what does that mean?

23 A. That means that they dropped \$2 million in proceeds  
24 and they got 1 percent of that for making the run. So they  
25 got paid \$20,000 to drop off \$2 million.

1 Q. This page -- is there any way to determine on this  
2 page how much marijuana is going to be delivered and how  
3 much -- strike that -- how much marijuana is going to be  
4 delivered?

5 A. Yeah. They spelled it out pretty easy.

6 Q. All right. And I want you to explain and walk the  
7 jury through it, and start with the first Monday. Do you see  
8 at the top of the page where it says first Monday?

9 A. Yeah.

10 Q. Right next to it it says 200.

11 A. Right.

12 Q. What does it say below 200?

13 A. 100.

14 Q. Now if you go to the far right of the top of the  
15 page, what does that say?

16 A. Equals 300.

17 Q. So 200 plus 100 equals 300?

18 A. Yes.

19 Q. And that says the first Monday, correct?

20 A. Yes.

21 Q. Now go down to the second entry, second Wednesday?

22 A. 200, 100, equals 300 again.

23 Q. Okay. Now go down to the third Thursday. This is  
24 the third trip?

25 A. Uh-huh. 150, 50, 50, 50, so equals 300.

1 Q. So at this point in time with these three entries,  
2 how much marijuana is represented?

3 A. 900 pounds.

4 Q. By the way, do you know how much a pound of  
5 Canadian marijuana goes for?

6 MR. SHEKETOFF: Objection, your Honor, unless I get  
7 a time frame.

8 THE COURT: I think that's fair. He's looking for  
9 a time frame.

10 Q. During this time frame the price for Canadian  
11 marijuana, hydroponic marijuana?

12 A. It hasn't changed a lot. At the time on the  
13 reservation they were selling it from anywhere from 1600 to  
14 2,000 to the smuggler and then the smuggler was getting about  
15 4,000.

16 Q. Now, on the last entry where it says fourth Monday,  
17 is it fair to say that this page alone represents about one  
18 week of marijuana that is going to be dropped?

19 A. Yes.

20 Q. Now, if you look where it says the fourth Monday,  
21 how much marijuana is represented there?

22 A. 400 pounds.

23 Q. So how much total marijuana during this approximate  
24 one week time frame was going to be dropped?

25 A. 1300 pounds.

1 Q. In addition to seizing the ledger, did you seize  
2 anything else?

3 A. Yes.

4 Q. What?

5 A. I took the phone numbers out of the phones that  
6 were in the vehicle and wrote them down.

7 Q. Did you ever tell Steven Sarti or Ryan Meyers that  
8 you had taken the ledger and copied it?

9 A. No.

10 Q. Why wouldn't you tell them that?

11 A. Because of the amounts that were in the ledger I  
12 knew that it was going to be part of an investigation or may  
13 have already been part of an investigation, so I didn't want  
14 to compromise that at the time.

15 Q. You indicated you found some telephones and you  
16 went into the telephones and wrote -- what did you write down  
17 from the telephones?

18 A. All the incoming, outgoing, and all other contacts.

19 Q. Let me show you what's been marked as Government's  
20 Exhibit 1i for identification, sir. Do you recognize what  
21 Government Exhibit 1i is?

22 A. Yes.

23 Q. What is it?

24 A. It's the numbers that I wrote down out of the two  
25 Nextel phones that were found in the front seat.



1 Q. Of which car?

2 A. Of the red Grand Prix that Steven Sarti was  
3 driving.

4 Q. And the handwriting on that page is your  
5 handwriting?

6 A. Correct.

7 MS. OLLILA: Your Honor, I would ask that the ID be  
8 stricken on Government's 1i and it be entered into full  
9 evidence.

10 MR. SHEKETOFF: No objection.

11 THE COURT: 1i is a full exhibit.

12 (Government's Exhibit No. 1i Admitted)

13 MS. OLLILA: Thank you. Please pull up 1i.

14 Q. Okay. Now, what Diane has just done is enlarged  
15 about a third of that page. Is this your handwriting?

16 A. Yes.

17 Q. And do you see a reference to NH?

18 A. Yes.

19 Q. What is next to NH?

20 A. 7048.

21 Q. What does that mean?

22 A. That would be the number that the Nextel phone --  
23 Nextel phones are like a push-to-talk phone and they connect  
24 by a pin almost like -- it's just a four-digit number, it's  
25 not a full phone number, and that would be the number of

1 somebody's Nextel phone.

2 Q. Do drug traffickers often use Nextel phones?

3 A. Yes.

4 Q. And they use push to talk; is that correct?

5 A. Correct.

6 Q. So there's no telephone number they have to dial.

7 They just have to dial those digits, correct?

8 A. Yes.

9 Q. And so what were the digits next to NH?

10 A. 7048.

11 Q. Now, what Diane has just done on Government's  
12 Exhibit 1i is she highlighted and enlarged the section right  
13 below what you were testifying to.

14 What do these numbers represent? This is your  
15 handwriting. What were you writing down?

16 A. I was writing down the calls that were received.

17 Q. Calls that were received or made?

18 A. Yes. I don't know right now without looking. I'm  
19 not sure if these were outgoing or incoming.

20 Q. So whether someone called in or the person holding  
21 the phone called out, these were times and dates when calls  
22 either came in or went out from that telephone?

23 A. Correct.

24 Q. Is there an indication that a call was either  
25 received or sent to NH?

1 A. Yes.

2 Q. When did that call occur?

3 A. At 3:34 p.m. on February 18th.

4 Q. Next to 3:34 p.m. it says 2 -- is that an 18 next  
5 to it? Is your 8 a little off?

6 A. Yeah, when I make my 8s I do a double circle so...

7 Q. Does that mean that someone either called NH or NH  
8 called into that phone on February 18th?

9 A. Correct. Yes.

10 Q. And how many days was that prior to you stopping  
11 these vehicles?

12 A. Three.

13 Q. Okay. What did you do after you seized these  
14 ledgers?

15 A. After that I returned the ledger back to the bag.  
16 We ended up releasing the vehicles and the people.

17 Q. Did you find any marijuana in any of the vehicles  
18 other than what was located on the floor?

19 A. No.

20 MS. OLLILA: I have nothing further of this  
21 witness, your Honor.

22 THE COURT: Attorney Sheketoff.

23 MR. SHEKETOFF: I have no questions.

24 THE COURT: All right. Well, Agent Simonsen,  
25 you're excused.

1 THE WITNESS: Thank you.

2 THE COURT: You may call your next witness.

3 MS. OLLILA: The United States calls Branson Perry.

4 BRANSON PERRY

5 having been duly sworn, testified as follows:

6 THE CLERK: For the record, please state your name  
7 and spell your last name.

8 THE WITNESS: Branson Perry. Last name P-E-R-R-Y.

9 THE CLERK: Thank you.

10 DIRECT EXAMINATION

11 BY MS. OLLILA:

12 Q. Sir, you don't sound like you're from around here.

13 A. No, ma'am, I'm not.

14 Q. Do we all sound funny to you?

15 A. Absolutely.

16 Q. Where are you from?

17 A. I'm from Oklahoma.

18 Q. Were you born and raised in Oklahoma?

19 A. Yes, ma'am.

20 Q. What do you do for a living?

21 A. I'm an Oklahoma state trooper.

22 Q. How long have you been an Oklahoma state trooper?

23 A. Since January of 1995, a little over 20 years.

24 Q. What do you do as a state trooper?

25 A. I'm currently assigned to the DEA task force in

1 Tulsa to the highway group. I've spent the majority of my  
2 career as a canine handler and work in highway interdiction  
3 efforts on the interstate system in Oklahoma.

4 Q. What does that mean, highway interdiction?

5 A. We make a lot of traffic stops on the interstate  
6 system. I specifically work I-40, I-44 and I-35, they're all  
7 corridors that travel through the state of Oklahoma, and we  
8 make high-volume traffic stops for various traffic code  
9 violations, and during that traffic stop we seek out  
10 criminals. We try to catch people trafficking narcotics,  
11 guns, currency, wanted people, anybody that's involved in  
12 some type of criminal activity that's using a motor vehicle  
13 as its transportation, we'll try to get in the middle of  
14 that.

15 Q. Okay. You used a term, a corridor.

16 A. Yes, ma'am.

17 Q. What do you mean by that?

18 A. Oklahoma, as you know, is right in the middle of  
19 the United States. Those are our three major interstates  
20 that intersect in Oklahoma, and therefore we have people that  
21 travel through Oklahoma from all parts of the United States,  
22 the East Coast, West Coast, the north border, as well as the  
23 southern border. So they meet in Oklahoma, in the Oklahoma  
24 City area.

25 Q. Are those roads frequently traveled by drug

1 traffickers?

2 A. Yes, ma'am.

3 Q. And is it your job to try to stop those drug  
4 traffickers?

5 A. Absolutely.

6 Q. Are you tasked with seizing contraband, drugs,  
7 narcotics and currency?

8 A. Yes, ma'am.

9 Q. How many motor vehicle stops do you think you have  
10 conducted where you have seized either drugs or currency?

11 A. Several thousand. A lot. That's been my only job  
12 for approximately 18 years.

13 Q. Are you good at what you do?

14 A. I think so.

15 Q. You said you are a canine handler. What's your  
16 dog's name?

17 A. Tack, T-A-C-K.

18 Q. Was your canine Tack also -- did you have him on  
19 March 5th, 2008?

20 A. No, ma'am.

21 Q. Did you have a different canine then?

22 A. Yes, ma'am.

23 Q. And what canine did you have then?

24 A. His name was Kilo.

25 Q. Kilo as in K-I-L-O?

1 A. Yes, ma'am.

2 Q. What does kilo stand for?

3 A. Kilogram.

4 Q. For those not in the drug business, what does that  
5 mean?

6 A. It's just a street term that we coined for  
7 identifying a specific amount of narcotics.

8 Q. What kind of dog was Kilo?

9 A. German Shepherd.

10 Q. What happened to Kilo?

11 A. He retired.

12 Q. How long does a canine remain a drug canine?

13 A. It depends on the dog really, whether or not they  
14 sustain any injuries during the job, whether they get sick,  
15 get diseases or anything like that. Kilo worked with me from  
16 2007 until 2011, I believe, and I had a -- I took about a  
17 year out of the canine division for some personal reasons,  
18 and I gave that dog to our tactical team. But I've had --  
19 I've handled five dogs in my career with the highway patrol.

20 Q. In March of 2008 when you were a canine handler for  
21 Kilo, was Kilo with you every day?

22 A. Yes.

23 Q. And where would Kilo be with you?

24 A. I've got a -- I drove a Tahoe. That's the vehicles  
25 that are issued to the troopers that carry canines. We have

1     what we call a three-quarter kennel, meaning three-quarters  
2     of the backseat is dedicated to a canine cage, and there's  
3     one small seat directly behind the driver's seat that I can  
4     put a prisoner in that seat. So he would go to work with me  
5     every day. He stays at my house. I've got a kennel at home,  
6     and he's one of the family.

7           Q.     When you would stop a motor vehicle if you were out  
8     on the interstate, what would you do with Kilo? Would he  
9     remain in your car?

10          A.     Yes, ma'am.

11          Q.     Would you open his cage once you got out of the  
12     car?

13          A.     Yes, I would.

14          Q.     Why would you do that?

15          A.     We operate what we call full patrol dogs. In other  
16     words, they have dual purposes. Kilo is obviously a drug  
17     dog. He's also an officer protection dog or apprehension  
18     dog, meaning he bites people.

19                 One of the measures that we use to keep us safe on  
20     our job is if things go wrong on a traffic stop with a  
21     motorist, we're allowed to bring that dog out to protect us.  
22     And so I would leave my door cracked or I'd leave my window  
23     down, and he's trained -- if there's a confrontation between  
24     myself and an individual, he'll self deploy. He'll come out  
25     and help me.



1 Q. So if you leave your door cracked or the window  
2 open and Kilo -- does Kilo watch you as you're at another  
3 vehicle?

4 A. Yes, ma'am.

5 Q. And if he were to see a confrontation, what would  
6 Kilo do?

7 A. He'd join in.

8 Q. Now, when you engage in motor vehicle stops,  
9 Trooper, do you have a video of them?

10 A. Yes, ma'am.

11 Q. Why is that?

12 A. All our cars are equipped with a Watchguard video  
13 camera system. They video what's in front of the patrol car  
14 as well as what's going on inside. That video camera is  
15 activated when I turn my emergency lights on to make a  
16 traffic stop, and it's documented on video as well as audio  
17 during the course of that stop.

18 Q. Did you engage in a motor vehicle stop on March 5,  
19 2008, of a vehicle that had a New Hampshire license plate?

20 A. Yes, ma'am.

21 Q. And why did you stop the vehicle?

22 A. I just started my tour of duty on I-40 west of  
23 Oklahoma City that evening, and I was sitting in the center  
24 median. It was approximately 10, 11:00 at night. I was  
25 working traffic, working radar, looking for violations. I

1 observed a violation. A motorist failed to yield to the  
2 nonadjacent lane.

3 Q. What does that mean?

4 A. That means -- the interstate system that we work on  
5 is four-lane divided, meaning two lanes are eastbound, two  
6 lanes are westbound, and there's a big grass median in the  
7 middle of those lanes. That's where I'm sitting.

8 I was working radar watching the westbound lanes of  
9 traffic. In Oklahoma it's a primary reason to pull somebody  
10 over if a motorist approaches an emergency vehicle on the  
11 shoulder that has its emergency lights on and they do not get  
12 over into the far inside lane, and in this particular case a  
13 vehicle was approaching one of my partners. I make it a  
14 habit of watching vehicles that are around our other partners  
15 that have their lights on. He did not yield to that lane  
16 like he should have, and I waited for a few more cars to pass  
17 by and I pulled out and went and chased that vehicle down and  
18 made a traffic stop.

19 Q. Did you walk up to the motor vehicle?

20 A. Yes.

21 Q. Did you identify yourself?

22 A. Yes.

23 Q. And did you indicate why you were stopping the  
24 motor vehicle?

25 A. Yes, I did.

1 Q. Did you find out who the driver was of the vehicle?

2 A. Yes, I did.

3 Q. What kind of vehicle was it that you pulled over?

4 A. It was a Toyota Tundra pickup truck, four-door  
5 pickup truck.

6 Q. Who was the driver?

7 A. A gentleman named Brandon Anderson.

8 Q. Was there a passenger in the car?

9 A. Yes, ma'am.

10 Q. Was it a male or a female?

11 A. Female.

12 Q. And what was her name?

13 A. Amber Schoenwald. I'm probably not pronouncing  
14 that right but...

15 Q. As you approach the motor vehicle, is there a  
16 videotape of your interaction with the two individuals in the  
17 Toyota Tundra?

18 A. Yes, ma'am.

19 Q. And do you keep the video rolling the entire time?

20 A. Yes, ma'am.

21 Q. And is that part of your obligation as a law  
22 enforcement officer to have that video rolling?

23 A. Yes, ma'am.

24 Q. Before you got out of the car, what did you do with  
25 Kilo?

1           A.     I just reached back and opened the slider like I  
2 normally do and exited my patrol car and made a passenger  
3 side approach to the truck.

4           Q.     Trooper Perry, I'm showing you what's been marked  
5 as Government's Exhibit 2a-1 for identification, sir. Have  
6 you seen this before?

7           A.     It's been a while. Yes, ma'am.

8           Q.     And what is it?

9           A.     It's a DVD copy of the traffic stop that we're  
10 talking about that I made March 5, 2008.

11           MS. OLLILA: Your Honor, I would ask that the ID be  
12 stricken on Government's 2a-1 and that it be entered into  
13 full evidence.

14           THE COURT: Any objection?

15           MR. SHEKETOFF: Well, can we see you very briefly  
16 at sidebar?

17           THE COURT: Yes, you may. Please approach.

18           (SIDEBAR)

19           MR. SHEKETOFF: I know the prosecutor said that she  
20 did not plan on playing the sound.

21           THE COURT: Correct.

22           MR. SHEKETOFF: Since the way she offered it, I  
23 have to object to that exhibit because it has sound on it.  
24 So without the sound I have no objection.

25           MS. OLLILA: What I have advised counsel and what

1 we'll do is -- this copy has sound, but we're not going to  
2 play the sound. The copy -- we will replace this copy for  
3 the jury with a copy that has -- that does not have sound.  
4 So for our purposes here we will play it. It's going to be  
5 exactly the same, but there will be no sound that comes out  
6 of it.

7 MR. SHEKETOFF: So my only objection is to the  
8 sound. So if you're going to correct that --

9 THE COURT: You just wanted to clarify that. Okay.

10 MS. OLLILA: Sure, sure.

11 THE COURT: You can explain to the jury they're not  
12 hearing anything.

13 MS. OLLILA: Correct, correct.

14 MR. SHEKETOFF: Thank you, Judge.

15 (CONCLUSION OF SIDEBAR)

16 MS. OLLILA: Your Honor, I would ask that the ID be  
17 stricken on 2a-1 and that it be entered into full evidence.

18 MR. SHEKETOFF: Only the objection I had at  
19 sidebar.

20 THE COURT: All right. 2a-1 is a full exhibit.

21 (Government's Exhibit No. 2a-1 Admitted)

22 MS. OLLILA: Diane, please pull up 2a-1.

23 Q. So Trooper Perry, what is it that the jury is  
24 looking at right now?

25 A. Well, there's a split screen video. The bottom

1 part is the inside of my Chevy Tahoe. You're looking at the  
2 passenger seat on the left, the driver's seat, which is my  
3 shoulder on the right, and the canine kennel behind it. The  
4 above portion is what's going on in front of the patrol car,  
5 which is the Toyota Tundra that I'm preparing to stop.

6 Q. So the bottom part of this video is you and Kilo.  
7 It's showing inside your car?

8 A. Yes, ma'am.

9 Q. And the top is showing the Toyota Tundra that you  
10 are now pulling over; is that correct?

11 A. Yes, ma'am.

12 Q. Now, I'm not going to play the volume. I'm going  
13 to play just a few minutes, and I want you to explain as the  
14 video is rolling what is happening, what you're doing.

15 A. Okay. My emergency lights are active. You can see  
16 the reflection in the tailgate. I'm wanting the pickup truck  
17 to yield to the shoulder, and they do so right there. I tell  
18 my partner -- I'm working with a few guys that night. I tell  
19 them that I'm going to be out on this traffic stop  
20 approximately around the 114 mile marker. This is a very  
21 rural area west of Oklahoma City.

22 Q. Why would you do that? Why would you give somebody  
23 that information?

24 A. I'm by myself, and this is the way we conduct our  
25 business. And they'll check on me from time to time.

1           Q.     Now, it appears at this point you're getting out of  
2     your car, and you pull that gate open in the back?

3           A.     Yes. My window's down. The gate's open. My  
4     canine you can see stick his head out. He's just watching  
5     me. This is an exercise to him. It's something that we  
6     train repeatedly with. He understands what he's supposed to  
7     do, you know, if I needed him. He's not going to get out on  
8     his own without due cause.

9                     I'm talking to -- I asked the passenger -- motioned  
10    for her to roll the window down. A female passenger and male  
11    driver. She rolls the window down just a few inches. It's  
12    very cold outside. I told him why I stopped him, that he  
13    failed to yield in adjacent lane when he passed the emergency  
14    vehicle, and go ahead and grab your driver's license and come  
15    on back here and have a seat. And so I step to the rear, and  
16    I'm waiting for the driver to step to the rear and meet me.

17          Q.     And you're bringing the driver into your vehicle;  
18     is that correct?

19          A.     That's correct.

20          Q.     And so as the video is playing, now it's at marker  
21     1:52. That means it's 1:52 into the stop; is that correct?

22          A.     That's correct.

23          Q.     Now what's happening now?

24          A.     I thanked him for coming back. I explained to him  
25     that I'm only going to issue him a courtesy warning for the

1 violation, meaning there's not going to be any cost or fine  
2 involved, and I simply begin casual conversation with  
3 Brandon. He begins asking me certain types of questions.  
4 He's visually acknowledging that I have a canine right here.

5 Q. Does he ever say anything about Kilo?

6 A. No, he did not.

7 Q. Are you looking for certain signs from Mr. Anderson  
8 as you're sitting speaking to him?

9 A. Yes, ma'am.

10 Q. What signs are you looking for?

11 A. Well, in this type of law enforcement we -- I  
12 contact the innocent motoring public more than I contact the  
13 criminal element, obviously, and so I have what we call a  
14 plumb line of what the innocent motoring public is. And when  
15 I'm out looking for criminals, I'm looking for increased  
16 stress and anxiety, people that aren't able to hold it  
17 together when this encounter with law enforcement happens.

18 And what I mean by hold it together, there's an  
19 array of things. Everybody's different. Some people start  
20 sweating. Some people start shaking. Their hearts beat  
21 rapidly. These things don't ever calm down. Instead they  
22 continually get worse. And those are the people that we end  
23 up finding these large amounts of narcotics, large amounts of  
24 currency in their vehicles. It's natural for people to get  
25 nervous when they get stopped. At some point when they're



1 not involved in criminal activity, they're not getting a  
2 citation, they calm down. That's the consistency. That's  
3 what I'm looking for.

4 Q. So when you advised Brandon Anderson -- when he got  
5 in your car and you're giving him a courtesy warning, did you  
6 see any signs from him that he was calming down?

7 A. No, I did not.

8 Q. What did you see?

9 A. Instead Brandon increasingly became more nervous  
10 and stressed out. I noticed -- I say that because I noticed  
11 his heart rate, his carotid artery continued to beat rapidly.  
12 His breathing was erratic. There was trembling in his voice  
13 when he spoke. There was increased exhalation of air when he  
14 said certain words, simply because of the diaphragm being  
15 tight. These are things that are very specific to stress and  
16 anxiety that we see on motor vehicle traffic stops, people  
17 that are involved in criminal activity.

18 Q. Trooper Perry, I want you to explain that a little  
19 bit further. You said that when individuals who are engaged  
20 in illicit activity -- when they speak, they exhale more.

21 A. Yeah.

22 Q. What does that mean? Can you give an example of  
23 that?

24 A. You know, when people are trying to calm down --  
25 obviously there's consequences involved in our life when

1 we're doing something wrong and now we're in front of the  
2 police and -- so the stress and anxiety is there. When that  
3 happens, what I've seen in my career is people's  
4 diaphragms -- it gets hard to breathe, and they'll say words  
5 like California and there's an increased amount of air that  
6 comes out after the pronunciation or enunciation of that  
7 word. And Brandon did this a lot. A lot of intentional --  
8 he was struggling to swallow. It was just very purposed when  
9 he swallowed.

10 And then of course the sweaty palms. When I shook  
11 his hand -- this was a very short contact I had with Brandon.  
12 When I shook his hand and thanked him for his time as I give  
13 him his driver's license and insurance and warning, his hands  
14 were soaking wet. It was 17 degrees outside. It's very cool  
15 in my car because I've got a dog. You know, my hands aren't  
16 that sweaty, you know. All this as an aggregate, as a  
17 totality, means something to me.

18 Q. As you're sitting there speaking to Mr. Anderson,  
19 you're seeing all these signs, what are you thinking and  
20 what's your strategy?

21 A. My thoughts are his story, I didn't believe it.  
22 There was visually a very large amount of luggage. His story  
23 was that his girlfriend lived in California.

24 MR. SHEKETOFF: Objection.

25 THE COURT: What's your objection?

1 MR. SHEKETOFF: His story. What Brandon is telling  
2 him.

3 MS. OLLILA: It's not offered for the truth, your  
4 Honor. It's offered to indicate why this trooper saw signs  
5 of deception.

6 THE COURT: Okay. Objection overruled.

7 A. His story was that his girlfriend flew from  
8 California to the Boston area to see him, where he says he  
9 lives, in the New Hampshire/Boston area, and now they're  
10 taking a road trip back, and there was a gigantic amount of  
11 luggage in the vehicle and the road trip just didn't make any  
12 sense to me, especially when I went and talked and visited  
13 with Ms. Schoenwald. It just seemed like she came to see  
14 him, and now the reason for the trip was maybe something  
15 other than a vacation. Spending a vacation driving in a  
16 vehicle is not a vacation to me.

17 Q. So, Trooper Perry, the time marker is now at 7:29,  
18 7 minutes and 30 seconds into the stop. You're out of the  
19 car now back at the Toyota Tundra. What are you doing back  
20 at the Toyota Tundra?

21 A. Asking for the insurance and registration for the  
22 truck.

23 Q. Is it your intention to speak to Amber Schoenwald?

24 A. Yes, ma'am.

25 Q. And do you speak to her briefly?

1 A. Yes, I do.

2 Q. And what do you do after you get the insurance  
3 information? Are you going to come back to your car?

4 A. Yes, I do.

5 Q. And what are you going to do?

6 A. Close out my contact, my legal reason for being  
7 there, which is the warning. I'll finish my document and  
8 I'll have Mr. Anderson sign it.

9 Q. And so at this point have you formulated a strategy  
10 of what else you might do?

11 A. Yes. I'm convinced that something other than a  
12 traffic violation is going on here today, whether it be  
13 possession of narcotics, I don't know what it is, but  
14 something is going on and I'm going to satisfy that curiosity  
15 by asking Brandon for consent to search his truck.

16 Q. And do you do that?

17 A. Yes, I do.

18 Q. What does he say?

19 A. He initially says, yes, that's fine.

20 Q. And then what happens?

21 A. I make sure that he -- I make sure that he was  
22 clear on what he was allowing me to do just as a courtesy.  
23 He seemed like he was very hesitant to give me consent. He  
24 didn't really act like he wanted to, but he said it anyway,  
25 and so I went ahead, Brandon, are you sure you're giving me

1 consent to search inside your truck, and at that time he  
2 says, no, I'm not, and he refused.

3 MS. OLLILA: Now, I'm going to have Diane stop and,  
4 Diane, I'm going to have you fast forward to minute marker  
5 16:23 if you can.

6 (Brief pause)

7 Q. Now, what is happening at this point in time,  
8 Trooper Perry? The time marker is 15:19?

9 MS. OLLILA: Is that going, Diane?

10 A. It's 15:19.

11 Q. Okay. What are you doing at this point?

12 A. I'm going to assume -- most likely I'm waiting for  
13 my partner to get there. Brandon refused. So in Oklahoma,  
14 the area that we're allowed to operate is I have reasonable  
15 suspicion and I can articulate I believe criminal activity is  
16 going on. He refused me, and so therefore I detained him.  
17 At that point he is not free to go. He cannot leave until I  
18 walk my canine around the outside of the vehicle, which is  
19 simply a free air sniff. If my canine does not alert, I let  
20 him go. If my canine alerts, I have probable cause right  
21 then and there to search the vehicle.

22 At this time I ran my canine around the vehicle and  
23 he alerted to both driver and passenger sides of the vehicle.

24 Q. The marker now is 16:21. The video is showing you  
25 and a dog. Is that Kilo to the right side?

1           A.     Yes, ma'am.

2           Q.     And what are you going to do?

3           A.     I'm starting him at the front of the vehicle, which  
4 is a matter of course. We do that pretty consistently. I'll  
5 check the traffic here, and then I'll deploy the dog on the  
6 vehicle and he'll start sniffing the outside of the car.

7           Q.     What do you do? Do you use any hand signals for  
8 Kilo to go up or down?

9           A.     Just targeting, check here, check here, check here,  
10 up and down.

11          Q.     If Kilo is going to have a positive alert, what is  
12 his positive alert? What does it look like to you?

13          A.     The final indication -- we have what we call an  
14 alert, which is a change of behavior, meaning he smells  
15 something, he's changed his pattern, he's stopped, he's  
16 turned around, he's trying to get to the source, and when he  
17 believes he's at the source he'll do an indication. He is an  
18 aggressive alert dog or an aggressive indicating dog; in  
19 other words, he'll scratch at whatever he believes is the  
20 source of the odor. And he does that ultimately on the  
21 passenger side of the truck right there.

22          Q.     Is that what he's doing right now at minute marker  
23 17:38?

24          A.     Yes, ma'am.

25          Q.     And he's jumping up and scratching; is that

1 correct?

2 A. Yes, ma'am.

3 Q. Now, you weren't here, but the witness who  
4 testified before you has a passive alert dog. What's the  
5 difference between a passive alerter and an aggressive  
6 alerter?

7 A. It's just the final indication. I've had both.  
8 And the final indication on a passive is a sit, or a lay  
9 down, or just a complete stopping of movement is a passive  
10 alert.

11 Q. What happens -- what are you doing right now in the  
12 vehicle, which is at 18:07?

13 A. I put the dog inside the truck, just let him sniff  
14 around and let him indicate inside the truck.

15 Q. When you look inside the truck, does anything look  
16 unusual to you?

17 A. A lot of luggage. Just a whole lot of luggage  
18 that's in the backseat of the truck.

19 Q. What about the doors on the truck? Does anything  
20 look unusual to you?

21 A. Visually, no. Everything looks fine.

22 Q. So what are you going to do?

23 A. I put Kilo up. I've got one of my partners, Cody  
24 Ide, present with me, and then we will start a systematic  
25 search of the vehicle. In other words, we search the vehicle

1 systematically kind of the same every time. And I believe we  
2 start in the driver's compartment, move back to the  
3 passenger. Then we start checking natural voids, like the  
4 doors. We'll shake the doors and those type of things, start  
5 looking for anomalies, places where narcotics is typically  
6 hidden.

7 MS. OLLILA: Diane, what I'll ask you to do is to  
8 pause it and to go to, if you can, 23, minute marker 23.

9 Q. Now we're at minute marker 23:39, and it looks like  
10 you're at the driver's side door. What are you doing and  
11 what do you have in your hands, if anything?

12 A. The rear driver's side door when we shook it, you  
13 could hear something knocking around inside the door. We  
14 examined the seal where the actual trim attaches to the metal  
15 had been messed with, and we start taking vacuum-sealed  
16 bundles of currency out of the door.

17 Q. You're throwing something on the hood of your  
18 trunk. What is that that you're throwing?

19 A. That's money. That's U.S. currency.

20 Q. How much money did you end up seizing from that  
21 vehicle?

22 A. \$2.1 million in --

23 Q. Give or take?

24 A. Yeah. I don't remember the exact number, but it  
25 was a lot.



1           Q.     There's another trooper there at this point in  
2     time.

3           A.     Yes.

4           Q.     And is he just helping you to open the areas of the  
5     vehicle?

6           A.     Yes.

7           Q.     When you open them, what are you -- were there  
8     hidden voids in the car?

9           A.     Yeah, there's voids inside all the doors. That's  
10    natural. That's where the window rolls down and whatnot, and  
11    they just exploited that. I mean it's very common. It's  
12    very common. This is not the first time we found money  
13    inside doors. They just cram it in there until they can't  
14    get any more in there and they move to the next door, and  
15    that's what they did in this case. We found money in several  
16    different places besides doors.

17           MS. OLLILA: Now, Diane, I want you to pause it and  
18    bring it up just a little bit to 29 if you can.

19           Q.     We're at minute marker 27:42, and it will probably  
20    be another minute, but what are you doing at this point in  
21    time?

22           A.     Taking money out of doors. The plan at this point  
23    is to get as much of the evidence out of the vehicle, get it  
24    secured, and take all the evidence and the vehicle to our  
25    office in Oklahoma City, and that's what we do. And then we

1 conduct a more specific, very slow methodical search for  
2 documents as well as additional evidence.

3 Q. You located a lot of money in the side door panels  
4 of the motor vehicle. Was there any money in duffel bags?

5 A. Yes.

6 Q. How many duffle bags did you see?

7 A. There were two duffel bags that were on the floor  
8 in the rear of the truck behind the driver's seat and behind  
9 the passenger's seat. They were average size duffel bags and  
10 they both had money inside those duffel bags, and then  
11 Brandon and Amber's luggage were stacked on top of those  
12 duffel bags. I didn't get to it until several hours after  
13 the stop.

14 Q. We are at minute marker 29:02. What is going on  
15 right now?

16 A. Just taking more money out of the truck, figuring  
17 out where we're going to put it all at this moment.

18 Q. I'm just going to ask you to hold on for 30  
19 seconds.

20 A. Yes, ma'am.

21 Q. Where are Brandon and Amber at this point in time?

22 A. They were -- Brandon was -- at this point he's in a  
23 pair of handcuffs, both of them, but they're sitting in my  
24 driver's seat. That rear jump seat I told you that's behind  
25 my driver's seat, that's where Amber's sitting.

1 Q. Can they see what you're doing?

2 A. Yes.

3 Q. Now what are you doing?

4 A. Putting more money on the hood.

5 Q. Trooper Perry, I'm going to show you what has been  
6 marked as Government's Exhibit 2f-2, 2f-3, 2f-4, 2f-7, 2f-8,  
7 2f-9, 2f-10, 2f-11, 2f-12, 2f-13, 2f-14 and 2f-15, and ask  
8 you to go through those exhibits and let the jury know if you  
9 know what they are.

10 A. Yes, I do. I took all these pictures. This is  
11 back at our office in Oklahoma City. Do you want me to name  
12 off the --

13 Q. No. Did you take all of those pictures?

14 A. Yes, ma'am. I took every one of these myself.

15 Q. Are the pictures a fair and accurate depiction of  
16 the motor vehicle at the time you stopped it and the recovery  
17 of currency?

18 A. Yes, ma'am.

19 MS. OLLILA: Your Honor, I would ask that the ID be  
20 stricken on the exhibits and they all be entered into full  
21 evidence.

22 MR. SHEKETOFF: I have no objection.

23 THE COURT: Those exhibits are full exhibits.

24 (Government's Exhibit Nos. 2f-2, 2f-3, 2f-4,  
25 and 2f-7 through 2f-15 Admitted)

1 MS. OLLILA: Diane, please pull up 2f-6.

2 Q. What is the picture that the jury is seeing right  
3 now?

4 A. It's the rear of Brandon Anderson's truck that I  
5 stopped with a New Hampshire license plate.

6 MS. OLLILA: Diane, please pull up 2f-7.

7 Q. What is this a photograph of? And is that you or  
8 someone else?

9 A. That's my supervisor, Lieutenant Jean Ides. I had  
10 found some tools in the truck, some nut drivers. They were  
11 brand-new and there was one missing. And so nut drivers held  
12 this panel on. That voided area where those gallon bags -- I  
13 believe there were 17 one-gallon bags of money inside that  
14 voided area. That back windshield rolls down, and so they  
15 exploited that voided area to put the additional currency in  
16 there as well.

17 MS. OLLILA: Diane, now please go to 2f-8.

18 Q. Trooper Perry, you're now looking at 2f-8. What is  
19 this a photograph of?

20 A. That's the same -- that's the rear -- the picture  
21 you just saw, the rear window cavity of the cab. That's more  
22 money on the inside.

23 MS. OLLILA: Diane, please pull up 2f-10.

24 Q. Trooper Perry, what is this a photograph of?

25 A. That's the money that I took out of the rear voided

1 area, the rear window. That's all of it. I just stacked it  
2 up on the seat.

3 Q. But that's not all the money you recovered?

4 A. No, no, no. That's just -- I took the money in  
5 bulk in the areas that I found. Like all the money I took  
6 out of the doors, I took a photograph of. All of the money I  
7 took out of the back glass, I took a photograph of. All the  
8 money I took out of the duffel bags, I took a photograph of.

9 Q. Trooper Perry, what is located in 2f-11, the  
10 picture you're looking at right now?

11 A. That's the money that I took out of the doors.

12 MS. OLLILA: Diane, please pull up 2f-12.

13 Q. 2f-12, Trooper Perry, what is this?

14 A. That's the two duffel bags that were located in the  
15 floor of the pickup truck.

16 MS. OLLILA: Diane, please pull up 2f-15.

17 Q. What is this a photograph of, Trooper Perry?

18 A. That's the money in its totality. That's all of  
19 it.

20 Q. Do you know the exact total?

21 A. I don't remember. I used to.

22 Q. Was it about 2 million --

23 A. It was over 2 million, yes, ma'am.

24 Q. Like \$2,001,000?

25 A. Something like that, yeah.

1 MS. OLLILA: Diane, please pull up 2f-14.

2 Q. What is this a photo of?

3 A. That's me and Kilo and all the money.

4 Q. Do you often pose with Kilo when you have a seizure  
5 like that?

6 A. Yes, I do.

7 Q. Are you proud of that?

8 A. Yeah. I'd hang on to that one.

9 Q. Was that the largest seizure you had ever engaged  
10 in at the time?

11 A. No.

12 Q. Okay. What was the largest seizure?

13 A. 4.2 million.

14 MS. OLLILA: I have no further questions, your  
15 Honor.

16 THE COURT: Attorney Sheketoff.

17 MR. SHEKETOFF: I have no questions.

18 THE COURT: All right. Trooper Perry, you're  
19 excused.

20 You may call your next witness.

21 MS. OLLILA: The next witness will probably be a  
22 two-hour witness, Judge.

23 THE COURT: All right.

24 MS. OLLILA: The next witness is Trooper Jean  
25 Drouin.

1 JEAN DROUIN

2 having been duly sworn, testified as follows:

3 THE CLERK: For the record, please state your name  
4 and spell your last name.

5 THE WITNESS: Jean Drouin, D-R-O-U-I-N.

6 DIRECT EXAMINATION

7 BY MS. OLLILA:

8 Q. Good afternoon, sir.

9 A. Good afternoon.

10 Q. How are you employed?

11 A. I'm with the DEA.

12 Q. How long have you been with the DEA?

13 A. Coming up on 18 years.

14 Q. What do you generally do for the DEA?

15 A. Assigned to the New Hampshire office. I work drug  
16 investigations.

17 Q. Approximately how many drug investigations have you  
18 had the occasion to work?

19 A. I've been involved in hundreds of drug  
20 investigations in my career.

21 Q. Have you been involved in marijuana investigations?

22 A. Yes.

23 Q. Cocaine investigations?

24 A. Yes.

25 Q. Heroin investigations?

1 A. Yes.

2 Q. MDMA investigations?

3 A. Yes.

4 Q. Does MDMA have a street name?

5 A. Ecstasy.

6 Q. Is it also known as Molly?

7 A. Yes.

8 Q. In February 2008 did you initiate an investigation  
9 after receiving some information that \$2 million had been  
10 seized in Oklahoma?

11 A. Yes.

12 Q. How did you get that information?

13 A. We received the information -- my partner, Special  
14 Agent Hanlon, found out about the seizure because he knew the  
15 trooper who made the stop out in Oklahoma.

16 Q. Is that trooper Branson Perry?

17 A. Yes.

18 Q. The trooper who testified before you?

19 A. Yes.

20 Q. So did Branson Perry forward that information to  
21 your partner?

22 A. I believe so, yes.

23 Q. And you said your partner is also DEA Agent Garth  
24 Hanlon?

25 A. That's correct.



1 Q. What did you do when you got that information?

2 A. We started to gather the information from the stop,  
3 from the money seizure. We knew that the vehicle that was  
4 stopped was registered out of New Hampshire, so we knew there  
5 was a New Hampshire connection with this stop, and then we  
6 started to gather phone records and other things that he  
7 obtained from that stop.

8 Q. At some point in time did you learn that prior to  
9 Trooper Perry's stop of the motor vehicle on March 5th that  
10 there had been the seizure of drug ledgers by a border patrol  
11 agent on February 21, 2008?

12 A. Yes.

13 Q. Did you make any common link between the two, that  
14 is, the drug ledger seized on February 21, 2008, and the  
15 \$2 million seizure conducted by Trooper Perry on March 5,  
16 2008?

17 MR. SHEKETOFF: Objection.

18 THE COURT: What's the basis?

19 MR. SHEKETOFF: His opinion.

20 MS. OLLILA: I'm asking him what he did factually  
21 to make the connection.

22 THE COURT: The question was: Did you make any  
23 common link between the two?

24 MR. SHEKETOFF: So I have no objection to her  
25 asking about various items, but asking for his opinion I

1 object to.

2 MS. OLLILA: I wasn't asking him his opinion.

3 THE COURT: I think the question was, did you make  
4 any common link. Perhaps you could rephrase the question.

5 MS. OLLILA: Sure.

6 Q. Did you uncover any facts that established a  
7 connection between the February 21, 2008, ledger seizure and  
8 the March 5, 2008, \$2 million stop?

9 MR. SHEKETOFF: Objection.

10 THE COURT: Same basis?

11 MR. SHEKETOFF: Yes.

12 THE COURT: Okay. Objection overruled. Go ahead.

13 A. We made a couple of links. Number one, the phone  
14 records that came from Mr. Anderson's phone, his current  
15 contacts, recent contacts in his phone. There were several  
16 contacts, but two of them of interest were local phone  
17 numbers. One of them was a 603 number, which is a New  
18 Hampshire area code, and also a 617, which is Boston.

19 Associated names with those phone numbers was Goofy  
20 for the 617 number and Jim for the 603 number, who we  
21 identified afterwards is Jim Thistle's telephone -- cellular  
22 phone number. Goofy was the name that was used for Steven  
23 Sarti from talking to the agent out in -- the 2/21 stop from  
24 February 21st, Steven Sarti was stopped in that, and that was  
25 the nickname known for him was Goofy.

1 Q. So Brandon Anderson who was stopped on March 5,  
2 2008, with \$2 million, had telephone contact with someone by  
3 the name of Goofy?

4 A. Yes.

5 Q. And Goofy's real name was Steven Sarti; is that  
6 correct?

7 MR. SHEKETOFF: Objection.

8 THE COURT: He's objecting to the conclusion that  
9 Goofy's real name is Steven Sarti.

10 MS. OLLILA: Okay.

11 THE COURT: Objection sustained.

12 Q. Do you know Goofy's name?

13 A. Steven Sarti.

14 MR. SHEKETOFF: Objection.

15 THE COURT: Objection sustained.

16 Q. What other connection did you make and what did you  
17 do at that point, Special Agent Drouin?

18 A. Well, I know that also on the February 21st stop  
19 Steven Sarti and Ryan Meyers were in one vehicle and they  
20 stopped another vehicle that was driven by Charles Keyes.

21 Q. And did Charles Keyes have any common contacts that  
22 you discovered?

23 A. Yes. We discovered from looking at the cellular  
24 phone records of Jim Thistle, which is the 603 number, that  
25 that number was in contact with a cellular phone that was

1 subscribed to Charles Keyes.

2 Q. What did you do at this point in time?

3 A. We just continued our investigation.

4 Q. Did you learn about anything that happened on June  
5 27, 2008?

6 A. Yes.

7 MS. OLLILA: Chris, can I have Government's Exhibit  
8 3b, please.

9 Q. What did you learn?

10 A. We learned that --

11 MR. SHEKETOFF: Objection.

12 THE COURT: Objection; what did you learn, per se.

13 Q. What did you learn from the police? I'm sorry.

14 A. We -- I received information from the Pittsburgh  
15 Police Department and border patrol about a Toyota Tundra  
16 that was stuck in the woods along the Canadian border.

17 Q. And was there anything seized from the Toyota  
18 Tundra?

19 A. Yes.

20 MR. SHEKETOFF: Objection.

21 THE COURT: When Attorney Sheketoff objects -- are  
22 you having trouble hearing him?

23 MS. OLLILA: I actually can't hear him, Judge.

24 THE COURT: All right. And then I just need to  
25 either sustain or overrule, and I need to understand the

1 basis of the objection.

2 I believe the basis is hearsay.

3 MR. SHEKETOFF: Yes.

4 THE COURT: It's what did you learn, what did you  
5 hear, so if you can correct that. So objection sustained.

6 MS. OLLILA: Sure.

7 Q. After receiving information what did you do  
8 literally, you as an agent? What other investigation did you  
9 conduct?

10 A. Are you talking about the June 27th --

11 Q. No. After June 27th what did you do?

12 A. We continued our investigation and tried to find  
13 out more about this organization.

14 Q. Okay. And did you?

15 A. Yes.

16 Q. Did you do something in or around December 2008?

17 A. Yes.

18 Q. What did you do?

19 A. I identified several Canadian couriers that were  
20 operating in the southern New Hampshire area, and I started  
21 to conduct surveillance of these couriers. They were  
22 utilizing a car rental service to get their vehicles, and I  
23 started to attach GPS devices to these vehicles that they  
24 were using so that I could follow them around.

25 Q. You just mentioned a car rental place. What was

1 the name of that car rental place?

2 A. It was called Buy Here Pay Here.

3 Q. Where was it located?

4 A. In Derry.

5 Q. So you discovered that they were utilizing cars  
6 that they would get at Buy Here Pay Here, correct?

7 A. Yes.

8 Q. And you placed GPS tracking devices on some of the  
9 cars?

10 A. Yes.

11 Q. Were you able to initially place GPS tracking  
12 devices on all of the cars?

13 A. I believe most of them.

14 Q. What happened on December 22, 2008?

15 A. I was conducting surveillance on two Canadian  
16 citizens by the name of Dejan Andzic and Adrien Nyangwila, if  
17 I said his name right. They were staying at the La Quinta  
18 hotel in Salem, and I followed them and they went to a  
19 warehouse in Methuen, Massachusetts. They both went to the  
20 warehouse.

21 Actually, I'm sorry. Let me back up. On the 22nd  
22 I followed them to a Home Depot first. And they went to the  
23 Home Depot and they bought Home Depot boxes, like several,  
24 the big packing style Home Depot boxes, and then they went  
25 back to the hotel.

1           The following day, which was the 23rd, I followed  
2 Dejan Andzic. I saw him meet up with Trevor Allain, and they  
3 went to the warehouse in Methuen.

4           Q.     What happened then?

5           A.     They waited at the warehouse for a little while and  
6 then a tractor-trailer arrived from Canada. It had a  
7 Canadian license plate on it. Dejan Andzic waved down the  
8 tractor-trailer, and the tractor-trailer then backed into a  
9 loading dock at the warehouse. Andzic and Trevor Allain went  
10 into the warehouse with the driver of the tractor-trailer.  
11 They were there for some time.

12           The tractor-trailer and the driver eventually left  
13 the warehouse and Trevor Allain then left and went back to  
14 Home Depot and bought more Home Depot boxes, and he came  
15 back, and then Trevor Allain and Dejan Andzic were both  
16 driving Nissan Quest minivans, and they both backed the  
17 minivans up to the loading dock. It was getting dark. We  
18 saw them open the hatch of the minivans, and then eventually  
19 both the minivans left together and went their separate ways.  
20 And we conducted, and I was part of it, conducted  
21 surveillance of these two minivans after they left the  
22 warehouse.

23           Q.     Did you have GPS tracking devices on both of the  
24 vans that were at the warehouse?

25           A.     No. I believe I only had one on the vehicle that

1 Dejan Andzic was driving. The one that Trevor Allain was  
2 driving, we just followed that car.

3 Q. So the vehicle that Trevor Allain was driving did  
4 not have a GPS tracker?

5 A. No.

6 Q. What did you do at that point? Did you want to  
7 stop it?

8 A. We did stop it.

9 Q. Why did you stop it, and did you physically stop  
10 it?

11 A. No. I asked state police to stop it.

12 Q. Why would you ask them to stop it?

13 A. Because we didn't want to compromise our  
14 investigation. It looks more normal if a state police  
15 officer does it in a marked police cruiser as a traffic stop  
16 than it would a DEA agent stopping it in plain clothes with a  
17 badge. I think it would compromise the investigation if we  
18 did it in that manner.

19 Q. So you had a state trooper stop that vehicle,  
20 correct?

21 A. Yes.

22 Q. Do you know what was located in the vehicle?

23 A. Home Depot --

24 MR. SHEKETOFF: Objection. Foundation.

25 THE COURT: Foundation. Go ahead.



1 MS. OLLILA: I'll strike the question, Judge.

2 THE COURT: All right.

3 Q. Did you follow the vehicle driven by Trevor Allain  
4 that had the GPS -- excuse me, Dejan Andzic that had the  
5 tracking device?

6 A. Yes.

7 Q. Where did you follow it to?

8 A. I believe it went to a gas station in Salem and  
9 then to a hotel in Salem and met up with another vehicle  
10 there that also came from the same car rental company, and  
11 then --

12 Q. I'm sorry. Go ahead.

13 A. And then it went to Manchester, New Hampshire.

14 Q. I'm going to show you what is marked as  
15 Government's Exhibit 5c-1, 5c-2, 5c-3. Do you recognize what  
16 those photos are?

17 A. Yes.

18 Q. What are those photos?

19 A. Those are photos of the tractor-trailer that Trevor  
20 Allain and Dejan Andzic met up with that came to the  
21 warehouse in Methuen.

22 MS. OLLILA: Your Honor, I would ask that the ID be  
23 stricken on Government's 5c-1, 5c-2 and 5c-3 and that they be  
24 entered into full evidence.

25 THE COURT: Any objection?

1 MR. SHEKETOFF: No objection.

2 THE COURT: They may be entered into evidence as  
3 full exhibits.

4 (Government's Exhibit Nos. 5c-1, 5c-2  
5 and 5c-3 Admitted)

6 MS. OLLILA: Diane, please pull up 5c-1.

7 Q. Can you see 5c-1, Special Agent Drouin?

8 A. Yes.

9 Q. And what is 5c-1?

10 A. It's the tractor-trailer that met up with Dejan  
11 Andzic and Trevor Allain.

12 Q. Okay. I'll show you Government's Exhibit 52o.  
13 I'll ask if you recognize 52o.

14 A. Yes.

15 Q. What is that?

16 A. That's the warehouse in Methuen that the  
17 tractor-trailer went to when it met up with Andzic and  
18 Allain.

19 MS. OLLILA: Your Honor, I would ask that the ID be  
20 stricken on Government's Exhibit 52o and it be entered into  
21 full evidence.

22 MR. SHEKETOFF: No objection.

23 THE COURT: Entered as a full exhibit?

24 MS. OLLILA: Yes, Judge.

25 THE COURT: It is so entered.

1 (Government's Exhibit No. 52o Admitted)

2 MS. OLLILA: Dena, please pull up Exhibit 52o.

3 Q. Is this the warehouse that you were describing?

4 A. Yes.

5 Q. What did you do with the vehicle that had the GPS  
6 that was being driven by Dejan Andzic?

7 A. We followed it.

8 Q. And where did you follow it to?

9 A. Manchester.

10 Q. Where in Manchester?

11 A. I believe it went to the Dunkin' Donuts on Candia  
12 Road.

13 Q. And then where did it go?

14 A. Then it went to 10 Delaware Avenue in Manchester.

15 Q. Did you know who was living at 10 Delaware Avenue?

16 A. At the time, no.

17 Q. Did you later as part of your investigation  
18 discover who lived there?

19 A. Yes.

20 Q. Who?

21 A. Nick Champagne.

22 Q. What did you do when you saw the vehicle arrive at  
23 10 Delaware Avenue?

24 A. I saw someone standing outside. It was getting  
25 dark and the minivan pulled into the driveway next to that

1 person that was standing outside, and then the hatchback to  
2 the van opened and we saw the boxes go inside 10 Delaware.

3 Q. And then what did you do?

4 A. I don't remember what I did afterwards.

5 Q. Why not execute a search warrant at 10 Delaware  
6 Avenue at that point in time, Special Agent Drouin?

7 A. Well, we had just seized the marijuana from Trevor  
8 Allain on the first stop, and if we had tried to do something  
9 again here that would compromise our investigation and we  
10 would have been back to square one.

11 Q. So what was your strategy at this point in time?

12 A. Was to just observe where these boxes were going,  
13 who was picking them up, where they were being kept, trying  
14 to identify the Manchester portion of this investigation.

15 Q. After December, did you go back to that warehouse  
16 in or around the end of January 2009?

17 A. Yes.

18 Q. What was the purpose of going back there, sir?

19 A. We -- I believe one of the people who were driving  
20 -- Dejan Andzic and Adrien Nyangwila, we followed them back  
21 there. I believe they were in the Nissan Quest again, and I  
22 probably had a GPS on the vehicle. And we followed it back  
23 to that warehouse in Methuen and we saw them meet up with  
24 another tractor-trailer from Canada, same thing, backed into  
25 the loading docks, minivan backed in, and then they left with

1 boxes.

2 Q. Before that, on December 30, 2008, did law  
3 enforcement conduct any surveillance at 10 Delaware Avenue?

4 A. Yes.

5 Q. Why did you do that?

6 A. Because we wanted to -- we had seen the boxes going  
7 in there and we wanted to start conducting surveillance there  
8 so we could see who's coming in and out of that location.

9 Q. And what did you see on December 30, 2008, at 10  
10 Delaware Avenue?

11 A. We saw Nick Champagne meet up with somebody in that  
12 house, at the house.

13 Q. At some point in time did you learn who that  
14 individual was?

15 A. Yeah. Eventually we learned -- several weeks later  
16 we learned who Nick Champagne met up with.

17 Q. And who did he meet up with?

18 A. It was Fowle.

19 Q. Do you remember his first name?

20 A. No. I think it was -- I don't remember the first  
21 name.

22 Q. Okay. So on December -- excuse me, January 23,  
23 2009, when you went back to the warehouse, what happened?

24 A. On January 23rd?

25 Q. Yes.

1           A.     Dejan Andzic and Adrien Nyangwila backed the  
2 minivan up, loaded boxes up, left. Then we followed them to  
3 a house in -- eventually they made it to a house in Chester,  
4 New Hampshire, where a lot of these Canadian couriers were  
5 staying there at this house, and we saw them go into the  
6 garage at the house at that residence.

7           Q.     Did you see them do anything else?

8           A.     I can't remember if it was -- I believe it was the  
9 next day.

10          Q.     Okay.

11          A.     I need to look in my report, but I believe it was  
12 the next day Dejan Andzic left with the van from that house  
13 and he made a couple deliveries.

14          Q.     Would that be on January 24th, 2009?

15          A.     Yes.

16          Q.     And where did he go when he made the deliveries?

17          A.     The first one was to -- we followed him to  
18 Burlington, Massachusetts, and he met up with a couple  
19 individuals over there that were driving pickup trucks. And  
20 then when he left there he went back -- I followed him back  
21 to the house in Chester where he picked up more boxes from  
22 Home Depot and he drove those boxes up to Manchester, back to  
23 10 Delaware.

24          Q.     10 Delaware Avenue?

25          A.     Yes.

1 Q. And that was the residence of whom again?

2 A. Nicholas Champagne.

3 Q. What did you do after that on January 24th? What  
4 was your strategy then?

5 A. Just to keep working on this crew, this Canadian  
6 crew that was delivering marijuana all over the country, and  
7 to exploit and find out more about the New Hampshire  
8 connection, who in New Hampshire was receiving all this  
9 marijuana and distributing it.

10 Q. Did something happen on February 24, 2009, which  
11 resulted in the seizure of marijuana?

12 A. Yes.

13 Q. Do you know an individual by the name of Dave  
14 Coulombe?

15 A. Yes.

16 Q. Was marijuana seized from him?

17 MR. SHEKETOFF: Objection. I can't tell if she's  
18 calling for hearsay or not.

19 THE COURT: Okay. Would you rephrase the question.

20 Q. What happened on February 24, 2009?

21 A. I was tracking the vehicles again. I believe at  
22 that point the Canadian couriers were no longer staying in  
23 Chester, New Hampshire, and they had moved into a condo in  
24 Waltham, Massachusetts, and I was conducting surveillance on  
25 them down there and tracking them. And they were also

1 staying at a house up in Woodstock, Vermont. So I was  
2 tracking the minivan, and I saw that it was driving from  
3 Woodstock, Vermont, down to Waltham, Massachusetts, and then  
4 we saw it drive to Manchester, and I went out with some of  
5 the agents in my group and we conducted surveillance of that  
6 van as it came to New Hampshire.

7 We saw the van went to the Wendy's on Candia Road  
8 right across the street from McDonald's and met up with a  
9 person who was driving a Ford Expedition.

10 Q. Okay.

11 A. And then the van left the Wendy's and drove to 140  
12 Allied Street in Manchester.

13 Q. Did you discover who was living at 140 Allied  
14 Street in Manchester?

15 A. I don't think I remember who was living there. I  
16 know who was there afterwards.

17 Q. Who was there?

18 A. David Coulombe.

19 Q. And then what happened?

20 A. So the Canadian went back to Wendy's, and then the  
21 Expedition left Wendy's and we lost surveillance on the  
22 Expedition, but then we found it again at 140 Allied Street.  
23 Saw the owner -- saw David Coulombe bring a bag from 140  
24 Allied Street into the Expedition and then it left, and then  
25 we called for a Manchester police cruiser to stop the



1 vehicle, the Ford Expedition.

2 Q. Do you know whether or not the Manchester police  
3 stopped the vehicle?

4 A. Yes.

5 Q. Was a search warrant executed at some point in  
6 time?

7 A. Yes.

8 Q. Were you present when it was executed?

9 A. Yes.

10 Q. Were you present when you saw what was inside the  
11 vehicle?

12 A. Yes.

13 Q. What was inside the vehicle?

14 A. It was a large hockey bag that was black or dark  
15 blue, I can't remember, a large hockey bag that was full of  
16 marijuana.

17 Q. Do you know how much marijuana it was filled with?

18 A. I believe it was like 58 pounds or close to.

19 Q. Special Agent Drouin, let me just get you some  
20 gloves.

21 A. Do you want me to come down?

22 Q. No, that's okay. I'll bring it to you. I just  
23 want you to have gloves on.

24 You just testified that there was either a black or  
25 a dark blue duffel bag inside the motor vehicle that

1 contained marijuana; is that correct?

2 A. Yes.

3 Q. I'm showing you what has been marked as  
4 Government's Exhibit 9g-3 for identification. I would ask  
5 that you come down, open this box, and hold that bag up for  
6 the jury.

7 A. That's it.

8 Q. Now, if you hold it up, your right hand is touching  
9 a label on the outside. What does that label say?

10 A. NH.

11 Q. Is there a lock on that bag?

12 A. Yes.

13 Q. What color is that lock?

14 A. Gold.

15 MS. OLLILA: Your Honor, I would ask that the ID be  
16 stricken on Government's Exhibit 9g-3 and that it be entered  
17 into full evidence.

18 MR. SHEKETOFF: No objection.

19 THE COURT: All right. 9g-3 is a full exhibit.

20 MS. OLLILA: Thank you.

21 (Government's Exhibit No. 9g-3 Admitted)

22 Q. After the marijuana was located was there a search  
23 warrant executed?

24 A. Yes.

25 Q. Where was it executed?

1 A. At 140 Allied Street in Manchester.

2 Q. Were you present?

3 A. I was there at some point, yes.

4 Q. And did you see the evidence that was recovered?

5 A. Yes.

6 Q. I'm showing you what has been marked as  
7 Government's Exhibit 9g-4 for identification. Sorry. I  
8 should have told you not to take the gloves off.

9 A. I should have kept the gloves on.

10 Q. Do you recognize what this exhibit is?

11 A. Yes.

12 Q. 9g-4, what is the exhibit?

13 A. Bags that were found in 140 Allied Street.

14 Q. Let me ask you to hold up the first bag and show it  
15 to the jury.

16 MS. OLLILA: Your Honor, may I have the witness  
17 come over closer to the jury?

18 THE COURT: Yes.

19 Q. I want you to hold it up. Now, on the front of the  
20 bag there appears to be a label and it says -- what does it  
21 say?

22 A. ITL.

23 Q. I'm going to pull out a label inside. What does  
24 that label say?

25 A. 50 Reg.

1 Q. What does that mean?

2 A. I believe it's 50 pounds of regular.

3 Q. Of regular what?

4 A. Marijuana.

5 Q. Is there a lock on the outside of that bag?

6 A. Yes.

7 Q. Is it similar to the lock that was found on the  
8 dark blue bag in Mr. Coulombe's motor vehicle?

9 A. Yes.

10 Q. Was there another bag located in -- or seized from  
11 140 Allied Street?

12 A. Yes.

13 Q. Why don't you just hold it up for the jury. Is it  
14 consistent with that first bag that you were just showing the  
15 jury?

16 A. Yes.

17 MS. OLLILA: Your Honor, I would ask that the ID be  
18 stricken on 9g-4 and that it be entered into full evidence.

19 MR. SHEKETOFF: No objection.

20 THE COURT: 9g-4 is a full exhibit.

21 (Government's Exhibit No. 9g-4 Admitted)

22 THE COURT: We're getting very close to our lunch  
23 break so you let me know, a signal.

24 MS. OLLILA: And we have some things to bring to  
25 the courtroom, Judge.

1           THE COURT: All right. So is now a good time to  
2 break then?

3           MS. OLLILA: Sure.

4           THE COURT: Okay. Excellent. We will take a  
5 one-hour lunch break and we will be back here to start right  
6 around 2:00.

7           (IN COURT - NO JURY PRESENT)

8           THE COURT: I know you're going to bring in  
9 evidence.

10          MS. OLLILA: Yes.

11          THE COURT: Are you going to bring that in  
12 immediately after the break? I know there was going to have  
13 to be a recess with respect to the jury, bringing them in and  
14 out.

15          MS. OLLILA: Well, with respect to this witness,  
16 and I'll confer with Attorney Sheketoff, I'm trying to do  
17 this as efficiently as possible. I have the agents here who  
18 can testify that they seized it. But I know Special Agent  
19 Drouin who was just testifying, he was there during this  
20 marijuana. So I can get the marijuana in through him without  
21 having to bring the other agent in. So that's what I'm  
22 hoping to do, Judge, because I have witness after witness  
23 testifying about the marijuana.

24          THE COURT: Okay. And how many times will you  
25 bring marijuana into the courtroom? Is it just once today

1 and then --

2 MS. OLLILA: Yes. Yes.

3 THE COURT: Just a single exhibit?

4 MS. OLLILA: No. So this transaction involved 58  
5 pounds. So that will be one transaction. There's another  
6 transaction involving a hundred pounds. That will also  
7 happen today, and it will happen with a different witness,  
8 Judge. So I'm hoping to do them back to back.

9 THE COURT: Okay. All right. Just signal to me --  
10 once you confer with Attorney Sheketoff, signal to me, you  
11 know, exactly how you want to handle that in terms of getting  
12 it in and getting it out in the most efficient way.

13 MS. OLLILA: Sure. We'll confer during the lunch  
14 break, Judge.

15 THE COURT: Okay. Is there anything else counsel  
16 needs me for?

17 MR. SHEKETOFF: No, Judge.


18 THE COURT: All right. Great. We'll be back at  
19 2:00.

20 (Lunch recess)  
21  
22  
23  
24  
25

## C E R T I F I C A T E

I, Susan M. Bateman, do hereby certify that the foregoing transcript is a true and accurate transcription of the within proceedings, to the best of my knowledge, skill, ability and belief.

Submitted: 3-31-16

  
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LICENSED COURT REPORTER, NO. 34  
STATE OF NEW HAMPSHIRE